

# Exhibit A

1 HIGHLY CONFIDENTIAL

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4  
5 CHRISTIAN LOUBOUTIN SA; CHRISTIAN

6 LOUBOUTIN, LLC; and CHRISTIAN

7 LOUBOUTIN,

8 Plaintiffs

9 v.

CIVIL ACTION No. :

10 11 CIV 2381

11 YVES SAINT LAURENT AMERICA, INC;

12 YVES SAINT LAURENT AMERICA

13 HOLDING, INC; YVES SAINT LAURENT

14 SAS; YVES SAINT LAURENT (an

15 unincorporated association); JOHN AND JANE

16 DOES A-Z (UNIDENTIFIED); and XYZ

17 COMPANIES 1-10 (UNIDENTIFIED),

18 Defendants.

19 VIDEOTAPED DEPOSITION OF CHRISTIAN LOUBOUTIN

20 Monday, June 13, 2011 at 10:04 a.m.

21 Held at: Offices of Debevoise & Plimpton

22 42 Old Broad Street

23 London

24 United Kingdom

25 TSG JOB NO. 39323

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A. Such as it is?

**Q. Yes.**

A. Yes.

**Q. And what do you mean by "such as it is"?**

A. With my red sole.

**Q. Okay. I'm going to show you what we will mark as defendants' exhibit 40.**

**(Defendants' exhibit 40 marked for identification.)**

BY MR. HAMID:

**Q. Have you ever seen exhibit 40 before?**

A. Possibly. I can't remember. Possible.

BY MR. HAMID:

**Q. Do you know who makes it?**

A. Yes, yes.

**Q. Who?**

A. YSL.

**Q. And do you know the name of the model?**

A. No.

**Q. Where do you think you may have seen that before?**

A. I think possibly I have seen a similar or this one in Alexis's office.

**Q. When?**

A. I don't remember that.

**Q. Before the lawsuit was filed, or after the lawsuit was**  
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**filed?**

A. I don't know. I don't know.

**Q. Let me ask you to take a -- compare the outsole on exhibit 40 to the outsole on exhibit 2.**

A. I have seen it from far away already.

**Q. You've seen it enough.**

**Are they the same color?**

A. Yes, it's red.

**Q. Is it the same red?**

A. It is definitely a red that is shiny.

**Q. My question is: Is it exactly the same shade of red?**

A. It is a shiny red, very close to the red that is here and the red that is here.

**Q. Do you agree that the outsole on exhibit 2 is shinier than the outsole on exhibit 40?**

A. What do you mean by "accept"?

**Q. I didn't say "accept." I said do you object to YSL selling exhibit 40 -- wait a minute. Wait a minute. Withdraw the question.**

**The question was, do you agree that the outsole on exhibit 2 is shinier than the outsole on exhibit 40?**

A. That is the number 2?

**Q. Yes. 40 -- is 2 shinier than 40, the outsoles?**

A. This one is more shiny -- shinier.

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**Q. Exhibit 2, yes?**

A. Shinier. Oui. Yes.

**Q. Do you object -- okay.**

**Do you object to YSL selling exhibit 40?**

A. Such as it is, with a red sole?

**Q. With that red sole, the -- the sole that it has.**

A. Which is a red color.

**Q. Right. And what's the answer?**

A. Yes.

MR. HAMID: Okay. Let me show you exhibit 41 -- Oh, I'm sorry -- yeah, that's fine. Sorry. I'll show you exhibit 41.

**(Defendants' exhibit 41 marked for identification)**

BY MR. HAMID:

**Q. Have you ever seen exhibit 41 before?**

A. It is the same as this one.

**Q. Same style, yes?**

A. Yes.

**Q. It's a different color, though, is it not?**

A. It is red also.

**Q. You don't see that there's a difference in the shade of red between exhibit 5 and exhibit 41?**

MR. LEWIN: Objection.

A. I do not see the difference in the tone on the sole.

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That is red.

BY MR. HAMID:

**Q. Your testimony is that the sole on exhibit 5 and exhibit 41 is exactly the same?**

A. Yes.

**Q. And comparing exhibit 2 to exhibit 41, exhibit 2 and exhibit 41?**

MR. LEWIN: This and this.

Is there a question?

MR. HAMID: Yes.

MR. LEWIN: What's the question?

MR. HAMID: Just hang on, Harley, I'm just trying to help the witness understand. It's not helpful if you interrupt in the middle of the question.

BY MR. HAMID:

**Q. Do you think that the sole on exhibit 2 and the sole on exhibit 41 is exactly the same shade of red?**

A. Deux -- 41?

**Q. Yes -- oui.**

A. Yes.

**Q. Would you agree that the sole on exhibit 2 is shinier than the sole on exhibit 41?**

A. A bit -- a bit shinier. They're both shiny.

**Q. Do you object to YSL selling exhibit 41?**

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1 A. Yes.

2 **Q. And why is that?**

3 A. Because it's got the same sole. It is similar to my red  
4 sole.

5 **Q. I'll show you exhibit 42 -- if you can take it -- there**  
6 **you go.**

7 MR. HAMID: You can clear those others aside expect for 2 --  
8 thanks, Harley.

9 (Defendants' exhibit 42 marked for identification.)

10 BY MR. HAMID:

11 **Q. Have you ever seen exhibit 42 before?**

12 A. No.

13 **Q. When you compare the outsole on exhibit 42 to the**  
14 **outsole on exhibit 2, do they look the same to you?**

15 A. Quite similar.

16 **Q. Is it a different shade of red?**

17 A. It's a close shade.

18 **Q. Is exhibit 2 -- the outsole on exhibit 2 shinier than**  
19 **the outsole on exhibit 42?**

20 A. Is number 1 this one?

21 **Q. 42.**

22 **Does 2 have an outsole that is shinier than 42?**

23 A. No.

24 INTERPRETER: Sorry, I was just reading that. Sorry.

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1 **on exhibit 2, would you say that they look the same?**

2 A. No, they're not really the same.

3 **Q. What's the difference?**

4 A. It is a -- it is a red sole, bright red sole, a bit  
5 darker.

6 **Q. 43 is a bit darker?**

7 A. Yes.

8 **Q. But you would call it red?**

9 A. More or less. More or less.

10 **Q. Do you object to YSL selling exhibit 43?**

11 A. I will think about it.

12 **Q. Please do.**

13 A. I will think it in my office.

14 **Q. Okay. But if YSL wants to know, can it sell this shoe**  
15 **or not, you can't -- you can't tell us whether you**  
16 **object?**

17 A. Now?

18 **Q. Right now.**

19 A. I can't say it, no.

20 **Q. What do you have to do to formulate an answer to that**  
21 **question?**

22 A. To speak with my team, the people in my team, and really  
23 consider the color.

24 **Q. Is that your legal team you're talking about?**

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1 A. Which sole?

2 BY MR. HAMID:

3 **Q. The outsole on exhibit 2: Is it shinier than the**  
4 **outsole on exhibit 42?**

5 A. Not really.

6 **Q. Do you object to YSL selling exhibit 42?**

7 A. Yes.

8 **Q. One more. I'm going to show you what we are marking as**  
9 **defendants' exhibit 43.**

10 (Defendant's exhibit 43 marked for identification.)

11 BY MR. HAMID:

12 **Q. Have you seen exhibit 43 before?**

13 A. It's a big foot. It's very big. Is that size 43, or  
14 exhibit 43?

15 **Q. It's exhibit 43.**

16 A. Size 40.

17 **Q. Have you seen it before?**

18 A. Not in that size.

19 **Q. Have you seen it in any size?**

20 A. It's the same as -- I don't know, the other one, that  
21 was in -- on the table earlier.

22 **Q. You're referring to the earlier exhibits?**

23 A. Yes.

24 **Q. If you compare the outsole on exhibit 43 to the outsole**

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1 A. For example.

2 **Q. Who else?**

3 A. My director.

4 **Q. Who's that?**

5 A. Alexis Mourot.

6 **Q. When did you -- I'm sorry; I asked that already.**

7 **Was it more than a year ago that you spoke with**

8 **Mr. Mourot about the exhibit that you thought you'd seen**  
9 **before, the shoe that you'd thought you'd seen before?**

10 MR. LEWIN: Objection.

11 A. Which shoes?

12 BY MR. HAMID:

13 **Q. It was exhibit 40. I think you said that you thought**  
14 **you had seen that before in Mr. Mourot's office. Is**  
15 **that right?**

16 A. Possibly.

17 **Q. Right.**

18 A. Possibly -- just what I've said is possibly I have seen  
19 these shoes.

20 **Q. There was a time what you saw some YSL shoes in**  
21 **Mr. Mourot's office, is that right?**

22 A. Yes.

23 **Q. Was that more than a year ago?**

24 A. I don't think so. I -- I don't remember. I don't think

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A. Not all of them, but yes, some of them.

**Q. How about the one that is -- where the heel is closest to the right-hand border of the picture?**

MR. LEWIN: At 3 o'clock.

MR. HAMID: Yes, at 3 o'clock.

BY MR. HAMID:

**Q. Do you remember that -- the name of that one?**

A. Yes, I think so.

**Q. What's that called?**

A. New simple pump.

**Q. Okay. And the outsole of that shoe is red?**

A. Yes.

**Q. Is it the same shade of red as the -- the upper?**

A. Yes, more or less.

**Q. And the heel is also red, yes?**

A. Yes.

**Q. And the platform, also red?**

A. Yes, the platform is also red.

**Q. Why did you make the shoe all red?**

A. Why did I do them all in red? Because most of the shoes, I do lots of colors; one of them is red.

MR. HAMID: I think there may have been a translation issue.

BY MR. HAMID:

**Q. I'm speaking of that -- that particular shoe, the one at**  
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**3 o'clock. Why did you choose to make that shoe all red?**

A. Because I often -- I often do shoes of one -- one whole color.

**Q. Why?**

A. Because I do a lot of shoes, and this particular shoe, for example, it also exists in beige; it's also exists in black; and in python, but different colors. And also in linen, it exists in nappa; it exists in brocade; and there are some patterns. And it also exists -- it also exists in leather, plain colors.

**Q. Would you agree that if you changed the platform to be black instead of red, that would affect the look of the shoe?**

A. It would change the color, but it would not affect -- affect it. It would change it.

**Q. Have you made this same shoe with a red upper, a red heel, and a black platform?**

A. I don't think so.

**Q. Why not?**

A. Because I don't like black platform in particular, because the balance wouldn't be quite right with the design. I wouldn't particularly like it.

**Q. Who do you consider your competitors to be?**

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A. I don't consider it. It's not part of my work.

**Q. Do you do anything to keep yourself aware of designs of shoes made by other designers?**

A. No.

**Q. Do you read fashion magazines?**

A. Not in -- not particularly.

**Q. Do you ever go to runway shows where the work of other shoe designers is shown?**

A. Runway -- what is exposition runway?

MS. VAN BERG: We agree that it's "defilee."

INTERPRETER: Un defilee, d'accord.

A. No. I do not go and see other runway of other designers. I do not go and see runways of other shoe designers.

BY MR. HAMID:

**Q. Have you ever been to a YSL runway show?**

A. Yes.

**Q. How many times?**

A. I don't know.

**Q. When is the last time --**

A. I don't know. I remember of one runway, but I don't -- I don't know when I went.

**Q. Do you remember who the creative director of YSL was at the time?**

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A. Of the runway?

**Q. At the time of -- who was the creative director at the time of the runway show that you went to? If you ever knew.**

A. YSL.

**Q. What is his name?**

A. The one -- the runway that I remember?

**Q. Yes.**

A. Yes. Yes.

**Q. Yes. Do you know who the creative director of YSL was at the time?**

A. Yes.

**Q. Yeah, what is it?**

A. Mr. Saint Laurent.

**Q. Okay, thank you.**

**Did you -- have you ever attended a YSL runway show when Mr. Pilati was the creative director?**

A. I don't think so.

**Q. Mr. Ford?**

**I'm sorry, he said something else.**

A. Probably not.

MR. LEWIN: You've been talking a little too quick. You've got to let him finish.

A. Pardon. Sorry.

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2 MR. HAMID: No, no; it's okay.

3 MR. LEWIN: It's not you.

4 Why don't we start again with your question.

5 MR. HAMID: Yeah, Pilati.

6 MR. LEWIN: He answered that one. I think it was the next

7 one that he didn't answer. So now --

8 MR. HAMID: I think he said something else about Pilati --

9 probably not.

10 BY MR. HAMID:

11 **Q. Ford?**

12 A. Yes. Yes. I went to see one of his runway.

13 **Q. And do you remember any of the shoes that you saw in**

14 **that runway show?**

15 A. No, not really. I don't remember.

16 **Q. Do you remember anything about any of the shoes that you**

17 **saw?**

18 A. No.

19 **Q. Do you remember any of the clothes that you saw?**

20 A. Certain, yes. A few, yes.

21 **Q. From the -- from the one where the creative director was**

22 **Ford, what -- which clothes do you remember?**

23 A. A -- a general feeling.

24 **Q. Do you remember any specific item?**

25 A. I -- I remember the ambience, but I can't remember there

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2 was a dress with one sleeve or no sleeve, no. But

3 I remember -- I remember well the -- the ambience.

4 **Q. Tell me what you remember about the general ambience.**

5 A. There was quite a Chinese inspiration, quite Chinese

6 inspiration. A very smoky, opium feeling with a -- a

7 Chinese feeling type of work.

8 **Q. And do you remember that the clothes were Asian-inspired**

9 **as well?**

10 A. What do you mean by "Asian"?

11 **Q. Chinese; Chinese-inspired.**

12 A. It is what I said.

13 **Q. Yeah. Do you remember any shoe models that were**

14 **Chinese-inspired that you saw at that runway show?**

15 A. No.

16 **Q. Do you remember a shoe model called the Tai Tai?**

17 A. No.

18 **Q. Lotus?**

19 A. No.

20 **Q. Do you remember seeing some shoes there that --**

21 A. I don't remember of any shoes.

22 **Q. Do you ever look on Style.com?**

23 A. Sometimes. Quite rarely, but I do it sometimes.

24 **Q. Do you look at pictures from runway shows?**

25 A. Not particularly.

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2 **Q. How frequently do you look at Style.com?**

3 A. No.

4 **Q. How frequently?**

5 A. No.

6 **Q. He's not understanding the question.**

7 MR. LEWIN: (French spoken.)

8 INTERPRETER: (French spoken.)

9 MR. RAGOT: (French spoken.)

10 A. I asked if it was frequently, and I said no. This is

11 what I've been told. It is what you've said. And so

12 I answer you.

13 BY MR. HAMID:

14 **Q. I think you're not understanding my question. Maybe**

15 **it's an issue with the translation.**

16 **My question is not a "yes" or "no" question. My**

17 **question: Is how often do you look at Style.com?**

18 A. I -- I don't know. Rarely. Rarely.

19 **Q. Are you aware of any model of YSL shoe made before 2011**

20 **that had a red sole?**

21 A. No, not that I know of.

22 **Q. Do you know the YSL model called the Tribute?**

23 A. Now I know it.

24 **Q. Did you know it before 2011?**

25 A. No.

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2 **Q. Do you know the YSL model called the Tribtoo?**

3 A. No.

4 **Q. Do you know of any models of shoe made by YSL before**

5 **2011 that were all the same color?**

6 A. No.

7 MR. HAMID: Let me show you -- I'll give you three exhibits

8 at the same time. Call them 46, 47 and 48.

9 (Defendants' exhibits 46, 47, and 48 marked for

10 identification.)

11 MR. HAMID: 46 -- 46 is a two-page document. The --

12 MR. LEWIN: Wait until we get them.

13 MR. HAMID: I'm just reading it into the record.

14 MR. LEWIN: Okay.

15 MR. HAMID: 46 is a two-page document. The first page does

16 not have a Bates number; the second page is Bates number

17 YSL0002403.

18 47 is a one-page document bearing the Bates number

19 YSL0000518.

20 And 48 --

21 MR. LEWIN: 48.

22 MR. HAMID: 48 is a one-page document bearing the Bates

23 number YSL 0002402.

24 We don't have the last one for you; I'm sorry.

25 MR. LEWIN: Well, you'll get me one.

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A. I never said that green was an Islamic color.

**Q. Well, the transcript will speak for itself?**

A. Show me. Where do I see that?

I know what I wanted to say: In Islamic countries, there is some red --

MR. LEWIN: "Some green," I believe.

A. It doesn't mean that green is Islamic.

I'm sorry if I've been misunderstood, but there is a green in Islamic countries.

BY MR. HAMID:

**Q. And does -- does the fact that green is an important color affect the way you've designed any shoe, ever?**

A. No.

**Q. Would you agree that colors have cultural significance, different colors have different cultural significance in different cultures?**

A. I imagine so, yes.

**Q. For example, red in far eastern culture signifies fortune, no?**

A. Yes, it's possible.

**Q. And in the west, red signifies passion, love?**

A. Yes, colors have got lots of signification -- of meaning.

**Q. And does -- do the cultural meanings of colors affect**  
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**your work as a designer of shoes?**

A. I don't know.

**Q. Do you think it might?**

MR. LEWIN: Objection.

A. I don't know.

BY MR. HAMID:

**Q. When you first put a red outsole on a shoe, it was not to identify the shoe as your brand, correct?**

A. The first time?

**Q. The first time, oui.**

A. Not particularly.

**Q. You were working on a shoe that was inspired by an Andy Warhol piece of art, right?**

A. No. It's not that.

**Q. No? When is the first time that you put red on the sole of a shoe?**

A. It was roughly one year after that I started my company.

**Q. Mm-hmm. So around 1992?**

A. Yes.

**Q. Yes, and tell me how it happened.**

A. Yes.

**Q. Tell me how it happened.**

A. It is very long.

**Q. Give me the short version.**

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A. The short version, is it how it happened?

**Q. How you decided to put red on the sole of a shoe for the first -- the first time you did so.**

A. To be faithful to my drawing.

**Q. What happened?**

A. I was doing some shoes, and I was in a factory, and there were some prototypes that were coming, and I was -- I was correcting them. I had the drawings, and they were corresponding with the prototype, and -- what happened -- and they were the drawing, and some prototypes arrived.

A few of them I -- I put aside immediately, because I didn't like the -- the way it looked; and a few were very faithful to the drawing, the original drawing that made. And all my drawing had some bright colors. But when I was looking at the shoes that were like the drawing, I -- I was preferring the -- the drawing.

And at the beginning, I couldn't understand why. And by turning one of the shoe, I noticed that the shoe had a black thickness that was not on my drawing -- not thickness, but there was black, but there was no -- there was no black on my drawing.

So I was with a girl, she was working with me, and she was doing some -- her nails. So I borrowed her

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varnish in order to color the sole, to be faithful to my drawing that had only colors. And I liked it. I loved it the way it was. It was very faithful to my original drawing.

And that's it. And then afterwards -- that is the beginning; that is the first shoes with the red sole.

**Q. So you preferred the shoe once it had the red sole to the way it looked when it had the black sole, yes?**

A. More to the point, I found again my original drawing.

**Q. That wasn't my question, though. My question was: Did you prefer it with the red sole?**

A. Of course.

**Q. It was important to the overall look?**

A. It was -- it was important. It was faithful to my drawing.

**Q. It was -- I'm just not sure you answered the question. It was important to the overall look to change the sole from black to red?**

A. The importance it was that it -- it resembled to my drawing. As a designer, the importance is the drawing. Voila.

**Q. Isn't the importance also the overall look of the shoe?**

A. What do you mean by "the overall importance"?

**Q. The overall look; the overall look of the shoe.**

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MR. LEWIN: (French spoken.)

MS. VAN BERG: It's not appropriate that you do that.

MR. LEWIN: You're right. I apologize.

MS. VAN BERG: I would propose -- could you ask the translator whether the "look" is also a term in French, the "look."

BY MR. HAMID: I don't know what's happening anymore.

MS. VAN BERG: I propose to the translator that -- (French spoken.)

A. That's it.

MS. VAN BERG: Yes.

A. (French spoken.)

MR. LEWIN: Translate, please.

INTERPRETER: Can you say it again, please? En Francais.

MR. HAMID: And then you should translate it in English, for the record.

MS. VAN BERG: (French spoken.) To make the shoes with a red sole, was it important to the total look of the shoes?

A. It was important for the faithfulness of my drawing.

MR. LEWIN: He's answered this four times now.

BY MR. HAMID:

**Q. The consumer doesn't see your drawing, correct?**

A. No, some -- some consumers have seen the drawing, but  
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no.

**Q. So isn't it important to you, as a designer, what the shoe looks like from the consumer's point of view?**

A. As designer, what is important is to be satisfied -- is to be satisfied of my drawing that will be then transformed as shoes. Point. Full stop.

**Q. Do you think it makes a difference to the overall look of a shoe what color the outsole is?**

A. What would be important?

**Q. The color of the outsole. Is that important to the overall look of a shoe?**

A. In my case? Yes.

**Q. And in the case of other designers?**

MR. LEWIN: Objection.

A. It's not my problem.

BY MR. HAMID:

**Q. That's not my question. My question is about your opinion, not whether it's your problem.**

MR. LEWIN: Wait, wait: One at a time.

A. I have no opinion on the work of others. I'm concentrating on my work. I do not have to say -- I don't have to say what others have to say.

BY MR. HAMID:

**Q. Is that really true, that you have no opinion about the**  
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**work of other designers?**

MR. LEWIN: Objection.

Go ahead and answer.

A. I have no objection to give, and I do not --

MR. LEWIN: "Opinion." "No opinion to give."

INTERPRETER: "No opinion."

MR. HAMID: Please continue. What was the answer?

INTERPRETER: Sorry.

MR. LEWIN: Read the question back.

BY MR. HAMID:

**Q. Is it really true that you have no opinion about the work of other designers?**

A. No, I never said that. I have no opinion to give.

I have no advice to give. Everyone do their work as they think fit.

**Q. This is a deposition. You need to answer my questions. Whether you think they are important, whether you agree with them or not, you need to answer my questions.**

MR. LEWIN: He is answering your questions, sir. It's -- the issue is in the phraseology that's being used. He is answering your questions.

BY MR. HAMID:

**Q. My question was: Do you think it's important, in shoes made by other designers, is it important to the overall**

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**look of those shoes what color the sole is?**

INTERPRETER: Sorry.

MR. HAMID: That's okay. We'll start over.

INTERPRETER: Yeah.

BY MR. HAMID:

**Q. Do you think, on shoes that are not made by you, that the color of the outsole affects the overall look of the shoe?**

A. I don't know.

**Q. You have no opinion?**

A. No.

**Q. Can we take a look -- Harley, would you mind passing exhibit 4 back, please.**

Let me ask you to take a look again at the outsole of exhibit 4. If the -- if one of the factories that makes your shoes sent a shoe that had an outsole that looked like the outsole of exhibit 4, would that be acceptable?

INTERPRETER: One of the factories?

A. This sole?

BY MR. HAMID:

**Q. Mm-hmm.**

A. I would look on the shoe first of all, and I think that, yes.

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**Q. You think that would be fine if it was on a Louboutin shoe?**

A. I would look well, and I would say, perhaps do it a little bit more shiny. Because I prefer the red that are a little bit more shinier.

**Q. Would you agree, if you -- why don't we take away 43 and 40 -- leave 4, this one, and yours, 2, and take away those two. Thank you.**

**Looking at the outsoles of those two shoes, would you agree that the outsole on your shoe, number 2, stands out more?**

MR. LEWIN: Objection.

A. I don't look at shoes by just looking at the sole; I look at the shoe. I look at the shoe as a whole.

BY MR. HAMID:

**Q. Mm-hmm.**

A. So the question was?

**Q. So looking at the shoes as a whole, the outsole on your shoe stands out more than the outsole on the YSL shoe?**

MR. LEWIN: Objection.

A. Not particularly. They are two -- they are two different shoes, so --

INTERPRETER: Sorry. Sorry.

A. They are two different types of shoes. Those two shoes  
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MR. HAMID: No, he's not.

MR. LEWIN: -- argue with him, please. If he doesn't give you the answer you want --

A. You've asked me a question. The whole shoe is red, but the sole is red, and I see red.

BY MR. HAMID:

**Q. Yes, but I want you to focus on my questions.**

**My question was: Does the sole of the shoe correspond to the colors of the rest of the shoe?**

A. I see a red sole.

**Q. That's not my question, sir.**

A. Which is the color of the shoes. I see a -- my red sole on the shoe that is all red.

**Q. Mm-hmm, so the answer is yes, it does correspond to the rest of the shoe, yes?**

MR. LEWIN: Objection.

A. I see that I see a red shoe with my red sole. I can't see anything else.

BY MR. HAMID:

**Q. You can't see the rest of the shoe?**

MR. LEWIN: Objection. Asked and answered.

A. I -- when I see that, I see my red sole, which is the shoes -- which is my red, on the red shoe.

BY MR. HAMID:

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are -- are different shoes. What I'm trying to say is that it is not the way I see shoes.

BY MR. HAMID:

**Q. Would you agree that the YSL shoe, the color of the sole corresponds with other parts of the shoe, yes?**

A. No.

**Q. You don't think so?**

A. No.

**Q. You don't think that any other part of that shoe is red?**

A. Yes, yes.

**Q. Yeah, the heel is red. Right?**

A. Yes.

**Q. The upper is red?**

A. Like the sole.

**Q. And the insole is red?**

A. Yes.

**Q. And the straps are red?**

A. Yes.

**Q. All right. So the whole shoe is red. Yes?**

A. What I see is when see these shoes, that this shoe has got my red sole, and I see red.

**Q. I understand you want to focus on the sole, but you also have to answer my questions.**

MR. LEWIN: He's answering my questions. Don't --

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**Q. You -- you testified a minute ago you can't see the rest of the shoe. Is that true?**

A. I did not testify -- I see that the shoes is a red shoes with my red sole. I see that everything, the heel and the straps are red. It is a red shoes on my red sole.

MR. HAMID: All right. Why don't we take a short break for lunch? We've got -- I think they brought lunch out, so maybe we would keep it to 30 minutes?

MR. LEWIN: We'll do our best.

VIDEOGRAPHER: Going off the record at 2 minutes past 1. Recording has stopped.

(Lunch break taken.)

VIDEOGRAPHER: Back on the record at 1:54.

BY MR. HAMID:

**Q. I'm going to show you a document that we are marking as defendants' exhibit 45, which, for the record, bears the Bates numbers CL008042. (Defendants' exhibit 45 marked for identification.)**

BY MR. HAMID:

**Q. Do you recognize the shoes depicted on exhibit 45?**

A. Yes.

**Q. And who is the designer of those shoes?**

A. Me.

**Q. Do you recall the names of any of those shoes?**

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A. Not all of them, but yes, some of them.

**Q. How about the one that is -- where the heel is closest to the right-hand border of the picture?**

MR. LEWIN: At 3 o'clock.

MR. HAMID: Yes, at 3 o'clock.

BY MR. HAMID:

**Q. Do you remember that -- the name of that one?**

A. Yes, I think so.

**Q. What's that called?**

A. New simple pump.

**Q. Okay. And the outsole of that shoe is red?**

A. Yes.

**Q. Is it the same shade of red as the -- the upper?**

A. Yes, more or less.

**Q. And the heel is also red, yes?**

A. Yes.

**Q. And the platform, also red?**

A. Yes, the platform is also red.

**Q. Why did you make the shoe all red?**

A. Why did I do them all in red? Because most of the shoes, I do lots of colors; one of them is red.

MR. HAMID: I think there may have been a translation issue.

BY MR. HAMID:

**Q. I'm speaking of that -- that particular shoe, the one at**  
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A. I don't consider it. It's not part of my work.

**Q. Do you do anything to keep yourself aware of designs of shoes made by other designers?**

A. No.

**Q. Do you read fashion magazines?**

A. Not in -- not particularly.

**Q. Do you ever go to runway shows where the work of other shoe designers is shown?**

A. Runway -- what is exposition runway?

MS. VAN BERG: We agree that it's "defilee."

INTERPRETER: Un defilee, d'accord.

A. No. I do not go and see other runway of other designers. I do not go and see runways of other shoe designers.

BY MR. HAMID:

**Q. Have you ever been to a YSL runway show?**

A. Yes.

**Q. How many times?**

A. I don't know.

**Q. When is the last time --**

A. I don't know. I remember of one runway, but I don't -- I don't know when I went.

**Q. Do you remember who the creative director of YSL was at the time?**

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**3 o'clock. Why did you choose to make that shoe all red?**

A. Because I often -- I often do shoes of one -- one whole color.

**Q. Why?**

A. Because I do a lot of shoes, and this particular shoe, for example, it also exists in beige; it's also exists in black; and in python, but different colors. And also in linen, it exists in nappa; it exists in brocade; and there are some patterns. And it also exists -- it also exists in leather, plain colors.

**Q. Would you agree that if you changed the platform to be black instead of red, that would affect the look of the shoe?**

A. It would change the color, but it would not affect -- affect it. It would change it.

**Q. Have you made this same shoe with a red upper, a red heel, and a black platform?**

A. I don't think so.

**Q. Why not?**

A. Because I don't like black platform in particular, because the balance wouldn't be quite right with the design. I wouldn't particularly like it.

**Q. Who do you consider your competitors to be?**

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A. Of the runway?

**Q. At the time of -- who was the creative director at the time of the runway show that you went to? If you ever knew.**

A. YSL.

**Q. What is his name?**

A. The one -- the runway that I remember?

**Q. Yes.**

A. Yes. Yes.

**Q. Yes. Do you know who the creative director of YSL was at the time?**

A. Yes.

**Q. Yeah, what is it?**

A. Mr. Saint Laurent.

**Q. Okay, thank you.**

**Did you -- have you ever attended a YSL runway show when Mr. Pilati was the creative director?**

A. I don't think so.

**Q. Mr. Ford?**

**I'm sorry, he said something else.**

A. Probably not.

MR. LEWIN: You've been talking a little too quick. You've got to let him finish.

A. Pardon. Sorry.

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**Q. But it's always the same shade, yes?**

A. It's always red.

**Q. Your -- looking back at exhibit 2 there, the shoe, the -- the outsole is lacquered, correct?**

A. Yes. It's bright.

**Q. Do you always -- are all your shoes have a lacquered outsole?**

A. Yes, they are always bright, yes.

**Q. How do you achieve that look?**

A. It's their treatment. It's the finish -- it's -- it's a treatment. It's -- it's the finishing.

**Q. And it's -- I think we have another, perhaps, translation issue: "Brilliant" is --**

INTERPRETER: "Brilliant."

BY MR. HAMID: -- "shiny," yes?

INTERPRETER: "Shiny."

MR. LEWIN: Right. The same.

BY MR. HAMID:

**Q. Why do you apply that -- that finish?**

A. Because it's nice.

**Q. Is that part of your mark as well?**

A. What?

**Q. The shiny finish.**

A. That it's brilliant; that it's patent.

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**Q. Right?**

A. It's bright.

MS. VAN BERG: Shiny.

INTERPRETER: Shiny. Shiny, shiny.

MR. HAMID: Okay, but he's also saying "yes," yeah?

INTERPRETER: Yes.

BY MR. HAMID:

**Q. The outsole also has the "Christian Louboutin" name on it, yes?**

A. These shoes, yes.

**Q. Do all your shoes have the name "Christian Louboutin" on the outsole?**

A. I'm not sure.

**Q. Okay, I'm going to mark for -- as exhibit 39, a book for you to refer to, which is, for the record, the Pantone Fashion and Home Color Specifier, copyrighted by Pantone Inc. in 2003.**

**You'll have to share.**

MR. LEWIN: I don't need to, thank you.

(Defendants' exhibit 39 marked for identification.)

BY MR. HAMID:

**Q. Can you turn to the page marked "v" in small Roman numerals, (v). Do you see that color wheel there labeled "Hue"?**

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A. That? Yes.

**Q. Are you familiar with Pantone's color wheel?**

A. No, I don't use that.

**Q. Okay. Let me ask you to turn to page 105TPX?**

A. This number, TPF?

MR. LEWIN: No, TPX, 105.

BY MR. HAMID:

**Q. Now, you see there are a variety of red shades there?**

A. Oui.

**Q. Are any of these the color that you use for your red sole?**

MR. LEWIN: Objection.

A. Je repond?

MR. LEWIN: Oui.

A. I don't know, because I don't use that reference. It's not really bright, so it's not the same thing. I can't define -- it is red, but I can't define the color.

BY MR. HAMID:

**Q. Okay. Would you object if another designer made a shoe that had an outsole that was any of these colors.**

MR. LEWIN: Objection --

BY MR. HAMID:

**Q. On that page.**

A. I would have an objection if they use a red sole.

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**Q. Any of the reds on the page you're looking at?**

A. It is not a sole. I would need to see the sole.

**Q. So you can't tell just based on the color?**

A. I would need -- I would need to see the color of the sole. I would need to see the sole, the shoes and the sole.

**Q. Okay, so if I came to you and I said, "Sir, I would like to make a shoe that will have a sole that has the color Pantone 171635; is that okay with you?" Your answer would be -- what?**

A. "Show me a sole."

**Q. So your answer would be "I don't know"?**

MR. LEWIN: Objection. His answer was "Show me a sole."

A. As I said, my answer would be "Show me the sole."

BY MR. HAMID:

**Q. So there's no guidance you can give about what shade of red is objectionable to you and what shade of red is not objectionable to you?**

MR. LEWIN: Asked and -- objection. Asked and answered.

A. I have -- I see -- I have to see the sole. I design shoes with red sole.

BY MR. HAMID:

**Q. Are all shades of red objectionable to you?**

MR. LEWIN: Objection.

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A. I must see a red sole.

BY MR. HAMID:

**Q. That's not my question. My question is: Would you object to any shade of red on a sole?**

MR. LEWIN: Don't answer this question.

You have asked this question three times.

MR. HAMID: And I haven't gotten an answer yet.

MR. LEWIN: Well, sir, you've gotten an answer; you just don't like the answer. Let's move on --

MR. HAMID: No.

MR. LEWIN: -- please.

MR. HAMID: That's not an appropriate --

MR. LEWIN: Then I'm going to direct the witness not to answer the question.

MR. HAMID: That's completely inappropriate.

MR. LEWIN: It may be. It may be. Let's move on.

You've expressed some time concerns; let's move on.

BY MR. HAMID:

**Q. Would you object to a sole even if was not lacquered -- a red sole, even if it was not lacquered?**

A. I would have to see the sole.

**Q. Okay. So you might object to a sole that is not lacquered, is that it?**

A. I would have to see the sole.

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**Q. Well, I'll show you one. Let's take a look -- I'm going to show you what was previously marked as defendants' exhibit 4.**

MR. LEWIN: Joe, we're going on an hour and a half now.

When you finish this line, can we take a break, please?

MR. HAMID: Sure.

**Q. Do you recognize exhibit 4?**

A. I see what it is.

**Q. What is it?**

A. It's a sandal.

**Q. Do you know who makes that sandal?**

A. Yes.

**Q. Who?**

A. It is written inside, "Yves Saint Laurent."

**Q. Have you seen it before?**

A. This one?

**Q. Yes.**

A. Not particularly.

**Q. Okay. Do you know the name of the style?**

A. No.

**Q. If you could compare the outsole on exhibit 4 to the outsole on exhibit 2.**

A. Oui.

**Q. Are they the same shade?**

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A. It's two red, yes.

**Q. Are they the same shade of red?**

A. More or less, yes.

**Q. You don't see any difference?**

A. One is more bright than the other, shiny than the other.

**Q. Which one?**

A. Mine.

**Q. Are they also a different shade of red?**

A. They're very close. There's two reds, but they're very close.

MR. HAMID: I'm going to do a couple of these, and then we'll take the break. Is that all right?

BY MR. HAMID:

**Q. I'm going to show you a few more.**

This is marked in a previous deposition as defendants' exhibit 5. Have you seen exhibit 5 before?

A. It is the same as this one, more or less, with a higher heel.

**Q. Mm-hmm. You know that that's also made by Yves Saint Laurent?**

A. Yes.

**Q. And do you know the name of that model?**

A. No.

**Q. Could I ask you to compare the outsoles of exhibit 2 to**

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**the outsole of exhibit 5.**

A. Avec quoi?

**Q. With 5.**

A. Okay.

**Q. Are they the same shade of red?**

A. Yes.

**Q. You think they're exactly the same?**

A. Yes, very close, yes.

**Q. Would you call the exhibit 5 -- would you say that that is lacquered?**

A. Yes, it's shiny, yes.

**Q. To the same extent as exhibit 2? Is that your view?**

A. Mine is -- mine is -- is shinier.

**Q. Yours also has the name "Christian Louboutin" on it, correct?**

A. On this one?

**Q. Yes. And 4 and exhibit 5, neither of them have the name Christian Louboutin: on the outsole, correct?**

A. If it is Yves Saint Laurent, no.

**Q. The question is, does it? Does either exhibit 5 or exhibit 4 have the name "Christian Louboutin" on the outsole?**

A. No.

MR. LEWIN: You're covering it.

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MR. HAMID: You can remove that, if you'd like.

MR. LEWIN: Let the record show that I'm going to remove an identification sticker so that the defendant can more clearly -- the plaintiff can more clearly see what's written underneath the outsole.

Do you want to ask your question again as to exhibit 5?

BY MR. HAMID:

**Q. So exhibit 5 does not have the name "Christian Louboutin" on the outsole, correct?**

A. (In English:) Exhibit 5 being this one? No.

**Q. Yes.**

A. No.

**Q. Can we take a look at exhibit 6.**

This was marked in a previous deposition as exhibit 6. Have you ever seen exhibit 6 before?

A. No.

**Q. That -- by that, I mean that model of shoe: Have you ever seen that model of shoe before?**

A. No.

**Q. Do you know who makes it?**

A. Yes.

**Q. Who?**

A. Yves Saint Laurent, it's written.

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**Q. Do you know the name of the style?**

A. No.

**Q. Okay. Can I ask you to compare the outsole of exhibit 6 to the outsole of exhibit 2.**

Do you think they are the same shade of red?

A. Yes.

**Q. Exactly the same shade?**

A. It's very close. It is absolutely the same red.

**Q. It's very close, or it's absolutely the same?**

A. It's very close -- (French spoken, not translated.)

**Q. And would you agree that exhibit 2, your shoe, is glossier?**

A. Not really.

**Q. Isn't it true that exhibit 6 isn't -- the outsole of exhibit 6 isn't lacquered at all?**

A. It is -- it is -- it is shiny. You can see the reflection from the top.

**Q. And exhibit 6 also doesn't have the "Christian Louboutin" name on it, correct -- on the outsole?**

A. No.

**Q. While she's doing that, do you object to the use of the outsole on exhibit 4?**

A. What do you mean? Objection on what?

**Q. Do you believe that it infringes your mark?**

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MR. LEWIN: Objection.

A. It has a red sole.

BY MR. HAMID:

**Q. That's not my question.**

You're also looking at the wrong one. Exhibit 4.

MR. LEWIN: It's this one.

BY MR. HAMID:

**Q. My question -- I understand it has a red sole. My question is: Do you believe that it infringes your mark?**

INTERPRETER: Can I have a break? Sorry.

MR. HAMID: Okay. Why don't we take a short break?

MR. LEWIN: That's fine.

VIDEOGRAPHER: This is the end of tape 1 in volume 1 of the deposition of Christian Louboutin. Going off the record at 25 to 12.

Recording has stopped.

(A break was taken.)

VIDEOGRAPHER: This is the beginning of tape 2 in volume 1 of the deposition of Christian Louboutin.

We're back on the record at 11:58.

BY MR. HAMID:

**Q. Mr. Louboutin, if you could take a look at exhibit 4 we were looking at right before the break.**

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A. This one?

**Q. Yes. That one.**

Do you have any concern about YSL selling exhibit 4?

A. This one?

**Q. Yes.**

A. Yes.

**Q. Why?**

A. Because there is a red sole.

**Q. So you object to -- to them selling that one?**

A. Such as it is, yes.

**Q. Okay. And how about exhibit 5? Do you have a concern about YSL selling exhibit 5?**

INTERPRETER: Sorry.

BY MR. HAMID: Was there an answer?

INTERPRETER: Sorry, I -- can you please rephrase?

BY MR. HAMID: Yes.

**Q. Do you object to YSL selling exhibit 5?**

A. This one?

**Q. Yes.**

A. Yes.

**Q. And why is that?**

A. For the same reason.

**Q. Okay. And exhibit 6? Do you -- do you object to YSL selling exhibit 6?**

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A. Such as it is?

**Q. Yes.**

A. Yes.

**Q. And what do you mean by "such as it is"?**

A. With my red sole.

**Q. Okay. I'm going to show you what we will mark as defendants' exhibit 40.**

**(Defendants' exhibit 40 marked for identification.)**

BY MR. HAMID:

**Q. Have you ever seen exhibit 40 before?**

A. Possibly. I can't remember. Possible.

BY MR. HAMID:

**Q. Do you know who makes it?**

A. Yes, yes.

**Q. Who?**

A. YSL.

**Q. And do you know the name of the model?**

A. No.

**Q. Where do you think you may have seen that before?**

A. I think possibly I have seen a similar or this one in Alexis's office.

**Q. When?**

A. I don't remember that.

**Q. Before the lawsuit was filed, or after the lawsuit was**

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**filed?**

A. I don't know. I don't know.

**Q. Let me ask you to take a -- compare the outsole on exhibit 40 to the outsole on exhibit 2.**

A. I have seen it from far away already.

**Q. You've seen it enough.**

**Are they the same color?**

A. Yes, it's red.

**Q. Is it the same red?**

A. It is definitely a red that is shiny.

**Q. My question is: Is it exactly the same shade of red?**

A. It is a shiny red, very close to the red that is here and the red that is here.

**Q. Do you agree that the outsole on exhibit 2 is shinier than the outsole on exhibit 40?**

A. What do you mean by "accept"?

**Q. I didn't say "accept." I said do you object to YSL selling exhibit 40 -- wait a minute. Wait a minute. Withdraw the question.**

**The question was, do you agree that the outsole on exhibit 2 is shinier than the outsole on exhibit 40?**

A. That is the number 2?

**Q. Yes. 40 -- is 2 shinier than 40, the outsoles?**

A. This one is more shiny -- shinier.

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**Q. Exhibit 2, yes?**

A. Shinier. Oui. Yes.

**Q. Do you object -- okay.**

**Do you object to YSL selling exhibit 40?**

A. Such as it is, with a red sole?

**Q. With that red sole, the -- the sole that it has.**

A. Which is a red color.

**Q. Right. And what's the answer?**

A. Yes.

MR. HAMID: Okay. Let me show you exhibit 41 -- Oh, I'm sorry -- yeah, that's fine. Sorry. I'll show you exhibit 41.

**(Defendants' exhibit 41 marked for identification)**

BY MR. HAMID:

**Q. Have you ever seen exhibit 41 before?**

A. It is the same as this one.

**Q. Same style, yes?**

A. Yes.

**Q. It's a different color, though, is it not?**

A. It is red also.

**Q. You don't see that there's a difference in the shade of red between exhibit 5 and exhibit 41?**

MR. LEWIN: Objection.

A. I do not see the difference in the tone on the sole.

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That is red.

BY MR. HAMID:

**Q. Your testimony is that the sole on exhibit 5 and exhibit 41 is exactly the same?**

A. Yes.

**Q. And comparing exhibit 2 to exhibit 41, exhibit 2 and exhibit 41?**

MR. LEWIN: This and this.

Is there a question?

MR. HAMID: Yes.

MR. LEWIN: What's the question?

MR. HAMID: Just hang on, Harley, I'm just trying to help the witness understand. It's not helpful if you interrupt in the middle of the question.

BY MR. HAMID:

**Q. Do you think that the sole on exhibit 2 and the sole on exhibit 41 is exactly the same shade of red?**

A. Deux -- 41?

**Q. Yes -- oui.**

A. Yes.

**Q. Would you agree that the sole on exhibit 2 is shinier than the sole on exhibit 41?**

A. A bit -- a bit shinier. They're both shiny.

**Q. Do you object to YSL selling exhibit 41?**

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1 A. Yes.

2 **Q. And why is that?**

3 A. Because it's got the same sole. It is similar to my red  
4 sole.

5 **Q. I'll show you exhibit 42 -- if you can take it -- there**  
6 **you go.**

7 MR. HAMID: You can clear those others aside expect for 2 --  
8 thanks, Harley.

9 (Defendants' exhibit 42 marked for identification.)

10 BY MR. HAMID:

11 **Q. Have you ever seen exhibit 42 before?**

12 A. No.

13 **Q. When you compare the outsole on exhibit 42 to the**  
14 **outsole on exhibit 2, do they look the same to you?**

15 A. Quite similar.

16 **Q. Is it a different shade of red?**

17 A. It's a close shade.

18 **Q. Is exhibit 2 -- the outsole on exhibit 2 shinier than**  
19 **the outsole on exhibit 42?**

20 A. Is number 1 this one?

21 **Q. 42.**

22 **Does 2 have an outsole that is shinier than 42?**

23 A. No.

24 INTERPRETER: Sorry, I was just reading that. Sorry.

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1 **on exhibit 2, would you say that they look the same?**

2 A. No, they're not really the same.

3 **Q. What's the difference?**

4 A. It is a -- it is a red sole, bright red sole, a bit  
5 darker.

6 **Q. 43 is a bit darker?**

7 A. Yes.

8 **Q. But you would call it red?**

9 A. More or less. More or less.

10 **Q. Do you object to YSL selling exhibit 43?**

11 A. I will think about it.

12 **Q. Please do.**

13 A. I will think it in my office.

14 **Q. Okay. But if YSL wants to know, can it sell this shoe**  
15 **or not, you can't -- you can't tell us whether you**  
16 **object?**

17 A. Now?

18 **Q. Right now.**

19 A. I can't say it, no.

20 **Q. What do you have to do to formulate an answer to that**  
21 **question?**

22 A. To speak with my team, the people in my team, and really  
23 consider the color.

24 **Q. Is that your legal team you're talking about?**

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1 A. Which sole?

2 BY MR. HAMID:

3 **Q. The outsole on exhibit 2: Is it shinier than the**  
4 **outsole on exhibit 42?**

5 A. Not really.

6 **Q. Do you object to YSL selling exhibit 42?**

7 A. Yes.

8 **Q. One more. I'm going to show you what we are marking as**  
9 **defendants' exhibit 43.**

10 (Defendant's exhibit 43 marked for identification.)

11 BY MR. HAMID:

12 **Q. Have you seen exhibit 43 before?**

13 A. It's a big foot. It's very big. Is that size 43, or  
14 exhibit 43?

15 **Q. It's exhibit 43.**

16 A. Size 40.

17 **Q. Have you seen it before?**

18 A. Not in that size.

19 **Q. Have you seen it in any size?**

20 A. It's the same as -- I don't know, the other one, that  
21 was in -- on the table earlier.

22 **Q. You're referring to the earlier exhibits?**

23 A. Yes.

24 **Q. If you compare the outsole on exhibit 43 to the outsole**

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1 A. For example.

2 **Q. Who else?**

3 A. My director.

4 **Q. Who's that?**

5 A. Alexis Mourot.

6 **Q. When did you -- I'm sorry; I asked that already.**

7 **Was it more than a year ago that you spoke with**

8 **Mr. Mourot about the exhibit that you thought you'd seen**  
9 **before, the shoe that you'd thought you'd seen before?**

10 MR. LEWIN: Objection.

11 A. Which shoes?

12 BY MR. HAMID:

13 **Q. It was exhibit 40. I think you said that you thought**  
14 **you had seen that before in Mr. Mourot's office. Is**  
15 **that right?**

16 A. Possibly.

17 **Q. Right.**

18 A. Possibly -- just what I've said is possibly I have seen  
19 these shoes.

20 **Q. There was a time what you saw some YSL shoes in**  
21 **Mr. Mourot's office, is that right?**

22 A. Yes.

23 **Q. Was that more than a year ago?**

24 A. I don't think so. I -- I don't remember. I don't think

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**Q. You know that dress?**

A. Yes, I know the -- it exists, the dress exists.

**Q. Did you tell Glamour Magazine last year that the first thing that comes to mind when you hear "YSL" is pride for France?**

MS. VAN BERG: (French spoken.)

MR. RAGOT: (French spoken.)

A. I don't remember.

BY MR. HAMID:

**Q. Do you think YSL is a pride for France?**

MR. LEWIN: Objection.

You can answer.

A. What is "YSL"?

BY MR. HAMID:

**Q. Yves Saint Laurent.**

A. Is that Mr. Yves Saint Laurent?

**Q. I'm asking you just "YSL." When you hear "YSL," do you think pride for France?**

A. No.

**Q. Did you give an interview to Latin America Glamour Magazine last year?**

A. I have -- I can't remember.

**Q. Okay. I'll show you, and we'll mark as defendants' exhibit 35, a document -- you don't need to translate**

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**this -- bearing the Bates numbers CL005807 through 5810. (Defendants' exhibit 35 marked for identification.)**

BY MR. HAMID:

**Q. Do you recognize exhibit 35?**

A. That?

**Q. Yes. It's an email attaching a magazine article.**

A. I don't -- what is the question?

**Q. Do you recognize this magazine article?**

A. I see the head, but apart from that ...

**Q. Have you ever seen it before?**

A. I have no idea. I have seen this photo, but not the article.

**Q. Would you agree that YSL is a reputable fashion house?**

A. Yes.

**Q. Would you agree that it's a prestigious fashion house?**

A. Yes.

**Q. In 2002, you collaborated with Yves Saint Laurent, correct?**

A. I don't remember the date precisely, but -- yes, I have collaborated with him. Would it be -- I can't remember if it was 2002; I can't remember for sure if it was 2002.

**Q. Do you remember that you contributed a shoe to Mr. Yves Saint Laurent's final runway show?**

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A. In Paris?

**Q. Wherever?**

**No, the -- it was an answer, "in Paris."**

MS. VAN BERG: I believe his answer was "in Paris."

A. In Paris, yes. (French spoken.)

INTERPRETER: (French spoken.)

MR. LEWIN: You can't do this. You can't. It's between the two of them.

MR. HAMID: Mr. Ragot is helping as well.

MR. LEWIN: I've cautioned Mr. Ragot not to do that unless he's called upon to do that.

INTERPRETER: Pardon.

MR. LEWIN: Don't worry about the translation on this. It's between counsel.

BY MR. HAMID:

**Q. I'm sorry; we'll start over.**

**Do you recall contributing a shoe to Mr. Yves Saint Laurent's final runway show?**

A. In Paris.

**Q. Yeah.**

A. Yes.

**Q. Now, you've collaborated with other prestigious fashion houses as well, right?**

A. Yes, I have collaborated with other houses, yes.

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**Q. For example, Jean Paul Gaultier?**

A. Yes.

**Q. Chloe?**

A. Yes.

**Q. You've turned down the opportunity to collaborate with H&M, is that right?**

A. It's up to me, isn't it? As long as I have not collaborated with them -- I have not collaborated with them. That's it.

**Q. Yes. You didn't want to?**

A. It's up to me.

**Q. I understand; I'm just asking the question.**

A. I don't know. I did not do it.

**Q. Why not?**

A. For reason that is up to me.

**Q. I'd like you to explain the reason.**

A. Because I cannot collaborate with all the houses.

**Q. And why not H&M?**

A. For different reasons.

**Q. What are they?**

A. The principal reason, it was taking me time that I do not have.

**Q. Are there any other reasons?**

A. Not particularly.

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**Q. Did you have a concern about how it would reflect on your brand, to be associated with H&M?**

A. Not particularly.

**Q. Let me show you what we'll mark as defendants' exhibit 36, which for the record is a three-page document consisting of Bates numbers CL004506, 4507, and 4520.**

**(Defendants' exhibit 36 marked for identification.)**

BY MR. HAMID:

**Q. Do you recognize this shoe depicted in exhibit 36?**

A. Yes.

**Q. Is this the shoe that you created in collaboration with YSL?**

A. I think so, but you can't see the whole of the shoe.

**Q. There are three separate images?**

A. The answer is yes.

**Q. It has a red outsole?**

A. Yes.

**Q. It has the Christian Louboutin name on the insole and on the outsole, yes?**

A. Yes, inside, yes, I see it. And outside -- yes.

**Q. It also has the Yves Saint Laurent name on the insole, yes?**

A. It is written "Yves Saint Laurent" -- written inside,

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"haut couture, 1962" in the inside.

MR. HAMID: Could you please try to let him finish before speaking, because I think it's going to be very confused on the tape.

INTERPRETER: Oh. Sorry. Sorry.

A. I'm repeating.

So what is written inside is Yves Saint Laurent haut couture -- haut couture, 1962.

**Q. Are you proud of this shoe?**

A. Yes.

**Q. Do you believe that you tarnished your brand by creating a shoe that was associated with the YSL brand?**

A. No.

**Q. Who's Tom Ford?**

MR. LEWIN: Objection.

BY MR. HAMID:

**Q. You can answer.**

A. Tom Ford is a designer.

**Q. You know that he was the creative director of YSL?**

MR. LEWIN: Objection.

A. Oui.

BY MR. HAMID:

**Q. Do you know when?**

A. No, not particularly. No.

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**Q. Do you have any opinion about Mr. Ford as a designer?**

A. Yes.

**Q. And what is your opinion?**

A. It's someone very nice.

**Q. Do you -- do you think he has -- do you think of him as creative?**

A. Who? Mr. Ford?

**Q. Right.**

A. Yes.

**Q. Do you think of him as original, as a designer?**

A. I don't know that.

**Q. Innovative? Do you think of him as innovative as a designer?**

A. He's intelligent.

**Q. Do you think he's a counterfeiter?**

A. I don't think so.

**Q. Who is Stefano Pilati.**

A. It's also a designer.

**Q. And you know that he's -- he is currently the creative director at YSL, right?**

A. Yes.

**Q. And do you have an opinion about him as a designer?**

A. Yes.

**Q. What's your opinion?**

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A. He does his job well.

**Q. Do you think of him as creative?**

A. Yes.

**Q. Do you think of him as original as a designer?**

A. (In English.) What is "original"?

MR. LEWIN: Okay. Let's go back that way.

MR. RAGOT: (French spoken.)

MR. LEWIN: No, no, no, no, no. No. No. Excuse me.

Excuse me.

INTERPRETER: I beg your pardon.

MR. LEWIN: Just hang on one second.

INTERPRETER: Sorry.

MR. LEWIN: Ms. Interpreter, please do not have a private dialogue --

INTERPRETER: I'm sorry. I don't.

MR. LEWIN: -- with the witness. When he questions --

INTERPRETER: Sorry.

MR. LEWIN: -- take the question back --

INTERPRETER: Yes. Sorry.

MR. LEWIN: -- and let -- and let the questioner come back again --

INTERPRETER: Yes. Yes.

MR. LEWIN: -- please. Thank you.

The question that the -- Mr. Louboutin said is,

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# Exhibit B



1 HIGHLY CONFIDENTIAL

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4  
5 CHRISTIAN LOUBOUTIN SA; CHRISTIAN

6 LOUBOUTIN, LLC; and CHRISTIAN

7 LOUBOUTIN,

8 Plaintiffs

9 v.

CIVIL ACTION No. :

10 11 CIV 2381

11 YVES SAINT LAURENT AMERICA, INC;

12 YVES SAINT LAURENT AMERICA

13 HOLDING, INC; YVES SAINT LAURENT

14 SAS; YVES SAINT LAURENT (an

15 unincorporated association); JOHN AND JANE

16 DOES A-Z (UNIDENTIFIED); and XYZ

17 COMPANIES 1-10 (UNIDENTIFIED),

18 Defendants.

19 VIDEOTAPED DEPOSITION OF ALEXIS MOUROT

20 Friday, June 10, 2011 at 8:44 a.m.

21 Held at: Offices of Debevoise & Plimpton

22 42 Old Broad Street

23 London

24 United Kingdom

25 TSG JOB NO. 39322

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**footwear are of similar quality?**

A. Similar, yes.

MR. HAMID: I'm going to show you what we will identify as defendant's exhibit 2, for the record. And it will -- the image of it will appear on the videotape, but it's not a document that we can copy. It is an object. (Defendants' exhibit 2 marked for identification.)

BY MR. HAMID:

**Q. Do you recognize defendants' exhibit 2?**

A. Yes.

**Q. What is it?**

A. It's a shoe.

**Q. Do you know who makes that shoe?**

A. Christian Louboutin.

**Q. Do you know the name of the model?**

A. Yes.

**Q. What is it?**

A. Simple Pump.

**Q. Okay. Directing your attention to the outsole, what color is that?**

A. Red.

**Q. Is it a particular shade of red?**

A. A red lacquer shoe. Red lacquer.

**Q. So it's -- it's lacquered. Yes?**

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A. Yes.

**Q. Okay. But is it also a particular shade of red?**

A. It's a shiny red.

**Q. Mm-hmm. Is there any name for the shade of red --**

MR. LEWIN: Objection.

BY MR. HAMID:

**Q. -- that you are aware of?**

A. I answered the question.

**Q. I'm -- I'm asking if there's a name for it.**

MR. LEWIN: You can answer this.

A. Hmm?

MR. LEWIN: You can answer this question, if you know.

A. No.

BY MR. HAMID:

**Q. Is there a Pantone reference for that shade of red, that you're aware of?**

A. Yes, there is one.

**Q. Do you know what it is?**

A. No.

**Q. Okay. Do you know -- are there documents within the company, Louboutin, that would show what the Pantone reference is?**

A. I guess so.

**Q. What are you thinking of?**

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A. Internal documents and trademark application.

**Q. Who at the company would know what the Pantone reference is?**

A. The designer.

**Q. Mr. Louboutin?**

A. Yes.

**Q. Would anyone else --**

A. I'm sorry --

MR. LEWIN: If you want to amend your answer, you can amend it.

A. Can I amend my answer?

MR. HAMID:

**Q. Yes, of course.**

A. It should be the production team that knows the Pantone, not Mr. Louboutin.

**Q. You don't think Mr. Louboutin knows the Pantone reference?**

A. He knows there is a Pantone reference; which number is it, I don't know if he would remember.

**Q. Mm-hmm.**

**You reference the trademark application: Which trademark application are you thinking of?**

A. The trademark application that was done in 2008 in the US.

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MR. HAMID: Harley, for the record, I'd like to reiterate my request for documents sufficient to show the Pantone reference.

MR. LEWIN: There is no reference in 2008 United States trademark application. If I can tell you, it's -- there is a Pantone reference made in the UK trademark application.

A. I'm confused.

BY MR. HAMID: That's fine, but I would just reiterate my request for -- whatever the document is -- documents sufficient to show what the Pantone reference is.

MR. LEWIN: Well, we'll take it under advisement. But if I can get the UK one, I'll send it to you.

BY MR. HAMID:

**Q. Does Louboutin use the same shade of red on the outsoles for all shoes?**

A. Yes.

**Q. The company, Louboutin, refers to different shades of red. No?**

MR. LEWIN: Objection.

A. No. As -- as far as I'm concerned, no, there is one red.

BY MR. HAMID:

**Q. My -- my question was unclear.**

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**Not talking about the sole, but talking about the upper, for example: The company makes shoes that have red uppers as well, correct? Louboutin?**

A. Yes.

**Q. Mm-hmm. And those -- there are different shades of red that Louboutin uses for the uppers, correct?**

A. Correct.

**Q. And you know that those different shades are referred to by names within the company, right?**

MR. LEWIN: Objection.

A. Can you specify more your question?

BY MR. HAMID:

**Q. I'll withdraw it. We'll -- we can do it this way.**

**Okay, I'm going to show you what we will mark as defendants' exhibit 3.**

MR. HAMID: For the record, the way this document printed, the Bates number didn't appear, so we handwrote it. And it is CL006832.

(Defendants' exhibit 3 marked for identification.)

A. Thank you.

BY MR. HAMID:

**Q. It's an excerpt from an Excel spreadsheet produced by Louboutin.**

**Are you familiar with this document?**

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A. This document particularly, no.

**Q. Okay. Are you familiar with the format of this document?**

A. Yes.

**Q. In the upper -- what is it? What is the format of this document, in your understanding?**

A. It's a document showing, by references, the quantity and the value of the orders.

**Q. Orders of what?**

A. I guess, here, of -- on a particular season, booking orders.

**Q. For Louboutin women's footwear products, yes?**

A. Yes.

**Q. In the upper left-hand corner, there is a heading, "Generic color." Do you see that? It's in French.**

A. Mm-hmm.

**Q. And it says "Red"?**

VIDEOGRAPHER: We need a verbal answer for the record, sorry.

A. Yes. Sorry.

BY MR. HAMID:

**Q. Do you have an understanding as to what information is conveyed there?**

A. Yes.

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**Q. What's your understanding?**

A. The list -- it's a list, by SKU and by color of the product, of what has been ordered.

**Q. Mm-hmm. And the color of the product, is that referring to a particular part of the shoe?**

A. It's not referred as a particular part of the shoe on this document, no.

**Q. Okay. But your understanding?**

MR. LEWIN: Objection.

A. Yes.

BY MR. HAMID:

**Q. And what's your understanding in that regard?**

A. It's the color of the -- definition of the color of the upper part, the shoe.

**Q. And are all of these different colors that are under color -- that column, "Product color" column, are all of those considered red by Louboutin?**

A. For the purpose of that document, it was consider red. For the purpose of this groupment -- or this group -- of -- of style.

**Q. So for some purposes, Louboutin considers burgundy a -- within the red family, yes?**

A. For these purposes, it was under the group of red.

**Q. Mm-hmm. And for some purposes, magenta was within the**  
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**red family, yes?**

A. Yes.

**Q. And for some purposes, dark red is within the red family. Yes?**

A. Yes.

**Q. And for some purposes, oxblood is within the red family. Yes?**

A. I'm sorry, which one did you --

**Q. Oxblood.**

A. Yeah, I would -- I guess so, because I don't know this one, particularly I see, I know this reference; I don't know all the references -- I don't know all the references.

**Q. Do you know how many different reds are considered part of the red family within Louboutin, for any purpose?**

A. No.

**Q. Okay. Do you know, going back to defendant's exhibit 2, the shoe, do you know what red the outsole of the shoe would be called within Louboutin?**

MR. LEWIN: Asked and answered.

A. Hmm?

MR. LEWIN: Asked and answered.

You can answer it again.

A. Can you repeat the question? I was looking at

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It's true.

MR. LEWIN: Color blind.

(Defendant's exhibit 23 marked for identification.)

A. Do you have another one like that?

BY MR. HAMID:

**Q. We're almost there. I know this is tedious. We're -- we're almost there.**

A. No, I'm talking about the quality of the shoe.

**Q. Yeah. Yeah.****Exhibit 23 is -- I'm showing you defendants' exhibit 23, which for the record is a document bearing Bates number YSL0002413.****Do you recognize the model of shoe depicted in exhibit -- defendants' exhibit 23?**

A. No.

**Q. Does this shoe appear red to you?**

A. No.

**Q. What color would you say that it is?**

A. Orange. Because of the center also of the picture, so it's really difficult to -- looks orange for me.

**Q. Okay. I'll tell you guys -- let's take a look at defendants' exhibit 24.****(Defendants' exhibit 24 marked for identification.)**

BY MR. HAMID:

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**Q. Do you recognize the -- the model --**

MR. LEWIN: Before we go further, can we identify the handwriting across the top of this one?

MR. HAMID: Yes, it's mine. And it's a mistake.

MR. LEWIN: All right. So it's not part of the original photograph?

MS. VAN BERG: No.

MR. HAMID: No, it's not. It only appears on your copy.

MR. LEWIN: Oh.

MR. HAMID: So it's a special note for you.

MR. LEWIN: I was going to say -- lucky me.

I'm sorry.

MR. HAMID: That's okay.

MR. LEWIN: Pardon my interruption.

BY MR. HAMID:

**Q. So defendants' exhibit 24 is a document bearing the Bates number YSL0002463. Do you recognize the model of shoe depicted on defendants' exhibit 24?**

A. It looks like the Tribute.

**Q. That's right.**

A. If I have to guess.

**Q. And have you seen the Tribute in this color before?**

A. No, I don't think.

**Q. Do you view this as a -- a red?**

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A. Based on this picture, no.

**Q. What do you call it?**

A. Not red, but -- violet, or whatever, dark violet. But not red.

**Q. So you -- you wouldn't -- if the color of the outsole is the same as -- as the upper, as depicted here, you would not view that as infringing?**

A. No. If you look at that like that, I don't think I will. I don't see that as infringing for me.

**Q. Is the first time that you heard about the 2011 YSL shoes that have been challenged in this lawsuit, is the first time you heard about that when you -- when you heard about the runway show that you referenced a few minutes ago?**

MR. LEWIN: Objection.

A. Can you -- there's two question.

BY MR. HAMID:

**Q. Yeah. Let me ask it a different way.****How did the shoes that have been challenged in this lawsuit first come to your attention?**

A. From the UK team.

**Q. The UK team of Louboutin?**

A. Yes.

**Q. Who on the -- on the UK team?**

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A. Who runs?

**Q. Who -- who on the UK team?**

A. Oh. The director of retail.

**Q. And who is that?**

A. Sarah Smith.

**Q. Mm-hmm. And did he call you? How did he bring -- bring it to your attention?**

A. Was it through an email or a phone call, I can't remember. Probably from an email, if I have to guess.

I have to look at that.

**Q. And do you recall roughly when you received that email?**

A. Beginning of January.

**Q. 2011?**

A. Yes.

**Q. And what was the substance of it, as you recall?**

A. That she had found red sole sold under the brand of YSL in a department stores.

**Q. And what happened next?**

A. What happened next? I think I asked to buy one or two pair of shoes, to look at that.

**Q. You asked her?**

A. Yes.

**Q. And did she do so?**

A. Yes.

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**Q. And she sent them to you?**

A. I can't remember if it's through me or through the in-house counsel, Mr. Ragot. Probably not directly to me.

**Q. But you did at some point receive them?**

A. Yes.

**Q. Or have the opportunity to see them?**

A. Yes.

**Q. And do you recall when that is -- was?**

A. A few days, probably, in January -- whatever, 9, or -- I don't -- I can't -- I mean, a few days after.

**Q. Mm-hmm. This is early January?**

A. Yes.

**Q. Mm-hmm. And what was your view, when you had the opportunity to see the shoes?**

A. They were clearly red-soled.

**Q. And you viewed them as -- as clearly infringing?**

A. Yes.

**Q. In your opinion?**

A. In my opinion.

**Q. What did you do in response to that?**

A. I asked, at the same time, the US team to check.

**Q. Who -- who on the US team?**

A. Kara Pfaffenbach.

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**Q. What did you ask her to do?**

A. To go and check there were red-soled sold in a department stores and on the website, YSL shoes.

**Q. When did you give her that instruction?**

A. Probably at the same time. I don't know if it's two days later or two days after, I can't be sure.

**Q. But still early January?**

A. Yes, mid-January, yeah.

**Q. And when did -- she confirmed, I assume that -- that the shoes were in fact for sale in the United States?**

MR. LEWIN: Objection.

A. She did confirm.

BY MR. HAMID:

**Q. How long did it take her to confirm that?**

A. Can't remember exactly.

**Q. More than --**

A. I don't -- one, two days.

**Q. Not more than a few days?**

A. No more than a few days.

**Q. Okay. So once that information was confirmed, what did you do?**

A. I took a bit of time to think about it.

**Q. What did you want to think about?**

A. I could not believe what I saw, so I didn't know how to

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approach it on the next level.

**Q. How much time did you take to think about it?**

A. One day.

**Q. And what conclusion did you reach about what to do?**

MR. LEWIN: Objection.

A. To speak, to call the CEO of YSL to discuss that matter directly with her.

BY MR. HAMID:

**Q. At that time, that was Ms. Hermann?**

A. Yes.

**Q. And when did you first call Ms. Hermann?**

A. January -- I think it was around January 10, something, 10, 11, or 9, something like that. But January 10 could be a good date in my mind.

**Q. And is it correct that Ms. Hermann -- sorry, withdrawn.**

Did you ask Ms. Hermann to agree to cease selling the shoes?

MR. LEWIN: Objection.

A. No, I did not.

BY MR. HAMID:

**Q. What did you do, or what did you say?**

A. It was very important for me as ways -- it's part of the Comite Colbert; you know, it's a really luxury brand, in our view, to give her a call to try to resolve that

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matter on an amicable basis.

So I called Valerie Hermann; I says, "I need to speak to you." It's really tough to reach her.

I called Valerie Hermann. I says, "I have shoes with me that have red sole and are sold under YSL."

She told me, "That's not possible. We don't need to sell red sole. We know that the red sole is the signature of Christian Louboutin. So please send me an email to prove which model and which shoes you are talking about."

**Q. Did she say anything else?**

A. No.

**Q. Did you in fact send her an email identifying the shoes and the models?**

A. Yes.

**Q. When did you do that?**

A. The next day.

**Q. Okay. And did you then communicate with her after sending that email?**

A. What do you mean by "communicate"? Speak to their -- speak to her, or --

**Q. Either speak with her or have further email exchange with her.**

A. She -- let me remember. She sent me a letter -- or an

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email; I can't remember -- a week after that, something like that, in response to my letter.

**Q. Mm-hmm. And what do you remember about her email, or letter?**

A. She put on her answer, on her email or letter, that YSL was using different red than our red under the sole, and that -- she made, I think, a reference about the monochrome, that she was saying that they -- they used the red sole only on a monochrome basis, which was very tough for me. Very surprising, after my conversation with her. And very disappointed.

**Q. Do you recall roughly when you received that communication from her?**

MR. LEWIN: He answered it.

But you can answer it again.

A. A week after, I think, as I said.

BY MR. HAMID:

**Q. So we're now mid- to late January?**

A. Yes.

**Q. And what did you do after receiving it?**

A. I've been trying -- no -- well, what did we do when we receive it? I started consulting lawyers.

**Q. How soon after receiving her letter did you consult lawyers?**

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A. I can't remember.

**Q. More than --**

A. A few days.

**Q. More than two days?**

A. Within five days, yes, probably, yeah.

**Q. Within five days?**

A. Yeah, within five days.

**Q. Okay. I definitely don't want to ask you anything about what -- what you discussed, but who was the first lawyer you contacted?**

MR. LEWIN: Are we talking -- just to make sure, because of language -- internal and external?

MR. HAMID: I mean to include both, yes.

MR. LEWIN: Okay.

MR. HAMID: Either internal or external.

A. I included the -- the in-house lawyer before, so you're talking outside lawyer?

BY MR. HAMID:

**Q. I was --**

A. Oh, for me.

**Q. -- actually asking about both.**

A. It was inside lawyer before.

**Q. Okay. When was -- when was the first time that you consulted the inside lawyer about this issue?**

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A. When -- let me think about it.

If I have to guess and remember, it's when I receive the letter from -- or not the letter; the information from the UK team that YSL was selling red sole at this time.

**Q. Right. So when you said that after receiving the disappointing communication from Ms. Hermann, and I asked you what you did next, you said you consulted a lawyer; you were referring at that point to an outside lawyer, is that right?**

A. Yes.

**Q. And that was within about a week of -- within about five days, or less, of receiving that communication, right, from Ms. Hermann?**

A. Yes. Yes, should be in that range, as far as I remember.

**Q. Okay. And who was that lawyer? Without telling me anything about the substance; just the name.**

MR. LEWIN: You can identify --

A. Can I --

MR. LEWIN: You can identify the person.

A. I don't remember which one was the first one, because we spoke to different of them, depending, you know, of the country.

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BY MR. HAMID:

**Q. Did you have any further -- after contacting an outside lawyer, did you have any further communication with YSL on the issue of these shoes?**

A. Yes.

**Q. What was the next communication?**

A. I think it was a phone call from Mr. Friocourt, who was the head of the PPR department of legal.

**Q. Did you call him, or he called you?**

A. I would not -- I can't -- I spoke to him two or three times, so I can't -- I don't know which time was he call me or I call you. I can't remember.

**Q. Tell me what you remember about the substance of your conversations with him.**

A. The event, he said that he's now handling the case and that not any more YSL in-house concern. I think it was Mrs. Marie Jose something -- Cabriolier. He said to me that the letter that I receive from above Beauvenais Amman, and there's another one that we receive also from Marie Jose Cabriolier also, in the interim, I can't tell you, are not the kind of letter we'll have written, so he's handling the case now, and he's the person I should speak to.

**Q. Did he say anything else?**

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A. Yes, that he needed a few days -- he was quite busy -- to study it carefully, then to come back to me.

**Q. Did he come back to you?**

A. Yes.

**Q. How soon after?**

A. A few days, probably a week -- I don't know; I don't know. I can't -- it's very tough. But a few days after.

**Q. And what did he -- did he come back to you by -- by phone, or by email --**

A. By phone.

**Q. By phone? And what did he say?**

A. He said that he bought some Louboutin -- Christian Louboutin shoes that he has in front of me -- in front of him, sorry.

I told him I did the same, I always have shoes in front of me with red sole. And he said that the color of the sole is sometimes quite similar to our sole, our red sole. So he said that the argument that was put in the letter is not completely true, letter sent by Valerie Hermann about the fact that they were using different color of red than ours.

**Q. Did he say anything else?**

A. It was a big thing for me, this one, so I remember. But  
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the other part -- let me think about it.

That we should speak again in the next week or so.

Because again, he was quite busy with the annual meeting of the company, if I remember, shareholder meeting that he was preparing.

**Q. When he said that in his view the sole of the YSL shoes were very similar to the Louboutin shoes, did he say that he disagreed with what others at YSL had said before, or did he say that what they said was not true?**

MR. LEWIN: Objection.

A. He said that -- to the best of my recollection, that the color of the -- the red sole are sometimes very similar to our red sole.

BY MR. HAMID:

**Q. Sometime --**

A. So he said --

**Q. I'm sorry.**

A. -- at the end that -- doesn't think that was -- the way it was written was not completely right.

**Q. And when you said "sometimes," you understand him to mean on some models, but not on others?**

A. That's what I understood.

**Q. Do you know --**

A. But I could have been wrong.

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**Q. Did he identify some models that he thought were closer than others?**

A. No.

**Q. Anything you -- else you remember about that communication?**

A. No, not at this time.

**Q. Okay. So he said he was going to get back to you?**

A. Yes.

**Q. And did he?**

A. Is it me or him after -- I can't remember, but we spoke again.

**Q. How soon after?**

A. After the letter sent by Mr. Pinault to me, which was beginning of February.

**Q. The letter from Mr. Pinault was between the two conversations?**

A. The second one and the third one.

**Q. Right.**

A. Yes, I think so.

**Q. Had you had any communication with Mr. Pinault before that?**

A. No.

**Q. Were you surprised to receive the letter from Mr. Pinault instead of hearing back from Mr. Friocourt?**

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A. No.

**Q. How soon after receiving the letter from Mr. Pinault did you then have the -- the third conversation with Mr. Friocourt?**

A. Within two days, probably.

**Q. The first week of February?**

A. Yes.

**Q. What do you remember about that conversation?**

A. That we should be very happy of what we had receive as a letter from Mr. Pinault.

**Q. What was he saying that you should be happy about?**

A. Of the recognition of the trademark, that it was known by Mr. Pinault.

**Q. Did he say anything else?**

A. Yes.

**Q. What?**

A. That it should be enough. And we started to discuss how to resolve the case, this issue, the case, what did we want. At that time the in-house counsel was also here.

**Q. And what did -- what did you say?**

A. It's proper to discuss this?

MR. LEWIN: Yeah. It's not a privileged conversation --

A. It's not a privilege --

MR. LEWIN: -- because it's you and Friocourt.

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A. Okay.

I ask him -- actually, he asked me, "What do you want more than that?" And I said, "Three things: Number 1, the recognition of our brand as a trademark" -- I'm sorry, "the trademark, the red sole."

And he said, "It's fine, it's done. So you already got that."

Second things that I wanted was withdrawing of all the product with red sole that are sold by YSL.

BY MR. HAMID:

**Q. Mm-hmm.**

A. And the third was a commitment from him and his group that he was not going to redo any red sole in the future.

**Q. Did you specify from which channels you wanted product recalled?**

A. No. Not -- I don't -- I don't -- I don't think.

**Q. You meant to say from all channels?**

MR. LEWIN: Objection.

A. I meant to say, my mind, from all channel, any red sole in the market bearing the YSL name.

BY MR. HAMID:

**Q. And were you talking specifically about the US market, TSG Reporting - Worldwide 877-702-9580**

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**or you were talking about the worldwide market?**

A. The worldwide market.

**Q. And what did he say?**

A. "The first one, you already got it," about the trademark, the recognition of the trademark.

The second point, he said, "I don't think it's going to be possible -- it's possible."

And the third one, he said, "I can't make that commitment."

So we did disagree on the point 2 and 3 together.

**Q. Was there any discussion about -- on point 1, the recognition of the trademark, in what form you wanted that recognition?**

A. No.

**Q. Did you want it in writing?**

MR. LEWIN: Objection.

A. There was no discussion particularly on that, on the way it should have been done.

BY MR. HAMID:

**Q. Do you recall anything else about that discussion that either you said or he said?**

A. Yes.

**Q. And what else do you remember?**

A. "Don't ask too much, because you may lose your TSG Reporting - Worldwide 877-702-9580"

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trademark, so you should be satisfied with what we are doing." That's one.

And the second point is that when he said about the withdrawing of the -- the withdrawing -- sorry, "drawal" -- withdrawal, sorry -- of the product, he said there may be some option to satisfy both of us.

**Q. Did he say what he meant by that?**

A. Yes.

**Q. And what was that?**

A. Temporary license agreement between the two company.

**Q. Was there anything else that you remember about what he said on the call?**

A. Not more than that.

**Q. Was there anything else?**

A. Or it will come back, but not at this time.

**Q. Is there anything else that you remember about what you said on the call?**

A. Yes.

**Q. What else?**

A. He doesn't give us a lot of option.

**Q. What did you mean by that?**

A. I meant that we had a choice between fighting to protect our trademark and have a big risk of losing it if we don't police any -- and make -- take action against

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them.

**Q. Did you say anything in response to the licensing idea?**

A. Yes.

**Q. What did you say?**

A. It's not an option.

**Q. And do you remember anything else that you said on any topic during that call?**

A. Yes, that the licensing agreement -- it's not possible, because it will damage us quite a lot, and the spirit of the trademark.

**Q. Anything else you remember saying on the call?**

A. Other than I was really disappointed with the way they were -- he was reacting, no.

**Q. Who else was on the line with you?**

A. Mr. Ragot, in-house counsel.

**Q. Anyone else?**

A. No.

**Q. And did he say anything on the call?**

A. Who?

**Q. Mr. Ragot.**

A. I don't think -- I can't remember.

**Q. Was anyone --**

A. I don't think it was me -- think it was me that was speaking.

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**Q. Was anyone else on the line on the YSL side?**

A. Not that I know.

**Q. Okay. What happened next?**

A. We have consulted our lawyers.

**Q. Is there any reason that there was then a period of two months before you brought the lawsuit?**

A. Yes.

**Q. What's the reason?**

A. We consulted, and it's a very important lawsuit for the house of Christian Louboutin, so we took our time to think about it and to see the option with different lawyers.

I'm sorry, there's something else that came now in my mind that I didn't tell you about my conversation with Mr. Friocourt.

**Q. Sure.**

A. About the use of the UK lawyer. We spoke about it.

There was -- we had a UK lawyer that works for us, Jeremy something. I can't -- I mean, I don't deal with him on a daily basis. I mean, but Jeremy from Mishcon, and when we started to consult our lawyers in January --

MR. LEWIN: Let me just caution you, I don't want to hear what he -- what your lawyer told you, but --

A. No, no, no --

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MR. LEWIN: -- anything you told --

A. -- no, no. Sure, sure.

MR. LEWIN: -- about what your lawyers told you.

A. No, no. I mean -- I'm -- I'm sorry.

MR. LEWIN: Yeah.

A. I'm thinking about the -- the discussion with

Mr. Friocourt. We did find out that there was a

conflict of -- it might -- that it might be a conflict

of interest when the -- Mr. Ragot spoke to Mishcon to get an opinion.

And if I remember, Mishcon was working not for YSL

but for Gucci group. So I asked Mr. -- I think Mishcon

said that -- Jeremy said that if he has a green light

from Gucci, Mr. -- from the Gucci -- PPR group, from

Mr. Friocourt, it will be fine. So I asked

Mr. Friocourt on the phone, would it be possible to use to use Mishcon to consult.

That was -- sorry. I didn't ...

MR. LEWIN: That's all right.

BY MR. HAMID:

**Q. And what did -- what -- was there any reaction to that?**

A. Yes. Let me think about it.

If it's to consult, it should be okay; if it's to fight against us, it's not possible.

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**Q. Okay. So going back to what we were talking a few minutes ago about what you did after the final conversation with Mr. Friocourt, and I asked you whether there was a reason that there were two months before you filed the lawsuit, and I think you said you were consulting with different lawyers?**

A. Yes.

**Q. And so was part of that process a selection process for determining which firm you would use for the litigation?**

A. Depending of the jurisdiction -- of the country --

I can't answer that question anyway.

**Q. Had you -- when did you determine in which country you would sue?**

A. When? When?

I can't remember exactly when.

**Q. Why did you determine to sue in the United States and not in a different country?**

MR. LEWIN: You have the question here, if that's based on counsel's advice --

A. It is based on counsel's advice, the one.

BY MR. HAMID:

**Q. Did you have any view of your own, separate from anything you heard from counsel?**

A. No.

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**Q. Did anybody else at Louboutin who's not a lawyer have a view about what country should be the site of the lawsuit?**

A. No, that I'm aware of.

**Q. When did you decide that you would sue YSL? Regardless of country or law firm, when did you decide that you were definitely going to sue?**

A. I -- I can't remember. I mean, I don't remember when.

**Q. How soon after the final conversation with Mr. Friocourt?**

A. I don't remember when, so I can't tell you when exactly,

I mean, after the consultation with Mr. Friocourt.

**Q. More than a week?**

A. Yes.

**Q. More than two weeks?**

A. If you want me to guess, because I think you are trying.

**Q. I'm trying to get your best --**

A. Probably March.

**Q. -- your best recollection.**

A. March. Probably March.

**Q. Early March?**

A. It's lot to ask me, you know. I can guess March, but

I don't know exactly in March. Probably early or

mid-March. I can't tell you.

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**Q. When did you select Mr. Lewin's law firm?**

A. For what? For this, or --

**Q. Yes.**

A. -- as an attorney for us?

**Q. For this lawsuit.**

A. I don't know when. I mean, I can't tell you when.

That's our lawyer, so a lawyer protecting our trademark, working with us in the US.

**Q. You'd been working with them since long before this issue?**

A. Yes.

**Q. Was there a time at which you authorized them to file a lawsuit?**

A. Probably.

**Q. Was that in February?**

A. No, I think -- I can remember probably in March again.

**Q. Can you remember whether it was in early March or late March?**

A. No, but probably in mid- -- mid-March, third week, I don't know. Just -- this is a guess. I can't tell you.

**Q. Other than --**

MR. LEWIN: Joe, if you're going to start a new line of questioning, we're about an hour into it; could we take

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a short break?

MR. HAMID: Let me just finish up this.

MR. LEWIN: I'm sorry. I didn't want to interrupt.

BY MR. HAMID:

**Q. I think you said a few minutes ago that part of what you were doing in that period of time, February and March, was selecting counsel in certain jurisdictions. And I think you said it depended on which jurisdiction you ended up suing in. Is that right?**

A. No, I said we were consulting -- we were consulting.

**Q. In which different jurisdictions were you consulting lawyers?**

A. UK and France.

**Q. And the US?**

A. And the US, obviously.

**Q. And were you consulting -- withdrawn.**

Was there any other reason for the lapse of time from the last conversation with Mr. Friocourt and the filing of the lawsuit, other than consultation with counsel?

A. Yes.

**Q. What else?**

A. A changing of mind from YSL. A change of mind from the YSL side.

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**Q. What are you referring to?**

A. That they will call us back and agree to find a solution together.

**Q. What made you think that that would happen?**

A. It was a hope, because I could not see such a reputable house going to trial with us; us, too, a French reputable house.

**Q. Was there --**

A. And as you say, I worked for YSL before, so it's two reputable house.

**Q. Was there a point in time between February and April when you lost that hope?**

A. Yes.

**Q. When?**

A. On April -- April 17, when we filed the lawsuit.

**Q. Any other factor that explains the lapse in time between the last conversation with Mr. Friocourt and the filing of the lawsuit?**

A. Not that I recall of memory.

MR. HAMID: I think we can take a break now.

VIDEOGRAPHER: Going off the record at 3:28.

Recording has stopped.

(A break was taken.)

VIDEOGRAPHER: Back on the record at 3:44.

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A. If you don't mind, I would like to amend my deposition before the break.

BY MR. HAMID:

**Q. Go ahead.**

A. You asked me are there any other reason why we took some time. Could have been delay, the filing the case, and I thought about two more reasons that came in my mind, and I'm sorry, I forgot that.

The first one was the approval for Mr. Friocourt about the fact to use the UK lawyer. At the beginning he had said why not, and when we last spoke, this time, he said no. So we did not consult with the UK lawyers until we had the approval from Mr. Friocourt -- sorry, for the disapproval from Mr. Friocourt, that we can't consult our IP lawyer in the UK.

And the second reason was some conversation that took place between Mr. Louboutin and Mr. Pinault, as they know each other.

**Q. On the first reason, the issue about the conflict with the UK lawyer, am I right that Mr. Friocourt said on -- during the conversation in the first week of February, that's what he told you, that he would have an issue with you using that lawyer for a dispute?**

A. On the first call, he said that consult could be find,

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but if we use this lawyer against us, then it won't be possible. And that was the first call.

**Q. That's what he told you in January, yes?**

**MR. LEWIN:** No.

A. No.

**MR. HAMID:** I'm not asking you --

**MR. LEWIN:** Sorry, sorry, sorry.

A. No, no, no, no.

**MR. LEWIN:** Sorry, sorry, sorry.

A. No, no. That was in -- when was that -- that was

probably the second call. The first one he said "yes"; the second one he said "Go ahead, if you don't use that company against us to consult."

So we said to Mishcon that could be possible.

Mishcon was expecting a green light from Mr. Friocourt.

And on the third call with him, Mr. Friocourt said "no."

**Q. And that third call, that is the first week of February?**

A. Yes, I -- yes.

**Q. Okay. Do you know when Mr. Louboutin and Mr. Pinault spoke?**

A. Not -- not accurately.

**Q. Do you know in which month?**

A. January, I would say. In the month of January.

**Q. Do you know how many times they spoke?**

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Mr. Chamberlain.

**Q. Did you have any conversation with Mr. Louboutin at any point about his conversation with Mr. Pinault where a lawyer was not present?**

A. Probably, but I can't -- I can't recall it at this time.

**Q. Well, what is it that you do know about the conversation between Mr. Pinault and Mr. Louboutin?**

A. But if Mr. Louboutin -- I'm sorry, I need to -- clarification. The feedback of Mr. Louboutin about this conversation with Mr. Pinault --

**Q. Right.**

A. -- took place with Mr. Ragot. So if now I say --

**MR. LEWIN:** You can't talk about it.

A. I can't talk about it.

**MR. HAMID:** No, I -- I disagree. You can instruct not to answer, but I think that's an improper instruction to the question I asked, which is simply: What do you know about the conversation between Mr. Pinault and Mr. Louboutin?

**MR. LEWIN:** If you were about to recite, in response to his question, information that was told to you in the presence of counsel, you can't answer that question.

If you know -- if you have reason to know things that occurred between Mr. Louboutin and Mr. Pinault

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A. No.

**Q. Do you know anything about the substance of their conversation?**

A. Not entirely -- entirely. Sorry.

**Q. It's okay.**

**What do you know about the substance of their conversation?**

**MR. LEWIN:** Objection.

A. They talk about their -- this issue.

**BY MR. HAMID:**

**Q. How do you know about the substance of their conversation?**

A. Mr. Louboutin told me.

**Q. Did he tell you directly after the conversation?**

**MR. LEWIN:** I -- I have to caution you now: If this conversation that you had with Mr. Louboutin was in the presence of counsel, then the discussion is privileged as to that particular conversation.

A. You're right. That was, so -- can't -- yeah.

**MR. LEWIN:** Okay. Then I will assert privilege on that conversation that he had.

**BY MR. HAMID:**

**Q. Who was present in that conversation?**

A. Mr. Ragot; myself; Mr. Louboutin; and on the phone, TSG Reporting - Worldwide 877-702-9580

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other than what was recited to you in front of counsel, then you can answer the question.

**MR. HAMID:** I think that's an improper instruction, but if that's your instruction, it is what it is.

**MR. LEWIN:** That's my instruction.

A. I want to re-read that one, if you don't mind.

**MR. LEWIN:** Just sit there, and -- and we'll move on.

**BY MR. HAMID:**

**Q. You referenced earlier, right before the break, the February 3rd letter that you received from Mr. Pinault, and I think you said that he acknowledged the trademark in that -- in that letter. Is that right?**

A. Yes.

**Q. More precisely, he didn't -- he didn't use the word "trademark," did he?**

A. No -- did he use the word "trademark"? No, I don't think.

**Q. And isn't it true that in fact he only acknowledged the distinctiveness of the red sole as contrasted to the upper?**

**MR. LEWIN:** Objection. The letter speaks for itself.

A. Yes, that's in the letter -- the letter: You can read the letter.

**BY MR. HAMID:**

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**Q. Yes, but that's not my question.**

A. What is your question, sorry?

**Q. I'm asking you for your understanding of the letter.**

**And my question was: Isn't it true that he only acknowledged the distinctiveness of the red sole as contrasted to the upper?**

MR. LEWIN: Objection.

A. I assimilated that one as a trademark recognition for me of our red-soled as the signature of Christian Louboutin in the world.

BY MR. HAMID:

**Q. Despite the fact that he didn't say anything about trademark?**

MR. LEWIN: Objection.

A. This is my view of understanding.

BY MR. HAMID:

**Q. And it's your view that he recognized the distinctiveness of the mark, whether or not it's contrasted with the upper? Is that your view?**

A. We are entering here to a legal definition.

**Q. No.**

A. And I need to think about.

From -- in my opinion, as long as the -- they use a red sole -- whatever it is; monochrome or not

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monochrome -- that's a red sole.

**Q. I understand that, that that's your opinion. I'm asking you about what he said about the Louboutin design.**

MR. LEWIN: No. No, that's not what you're asking him.

With due respect, you're asking him what he recalls and what his view is. You weren't asking about what he said, if he did -- you put the letter in front of him.

MR. HAMID: Let's just have objection, not speaking objections, please.

MR. LEWIN: Fair enough. I apologize on that one, Joe.

BY MR. HAMID:

**Q. I'm asking about your understanding about what he said about the Louboutin design. Not what he said about YSL shoes; what he said about the Louboutin design. And I'm asking you whether it's true that he recognized that it is distinctive only as contrasted with the upper?**

A. Yes, probably it's -- yes.

**Q. Does Louboutin have any agreements with retailers that restrict retailers from offering for sale shoes made by other designers with red outer soles?**

MR. LEWIN: Objection.

A. No, that I am aware of.

BY MR. HAMID:

**Q. Does it have any informal understanding with retailers**  
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**that they won't sell shoes made by other designers that have red outsoles?**

MR. LEWIN: Objection.

A. Can you repeat this one, if you don't mind?

BY MR. HAMID:

**Q. Sure. Does Louboutin have any informal understanding with any retailer that the retailer won't sell shoes made by other designers with red outsoles?**

A. Yes.

**Q. With which -- which retailers?**

A. The major one, I guess.

**Q. Do you have any specific names in mind?**

A. Yes.

**Q. Which ones?**

A. Saks; Barneys; Neiman Group, Neiman Group, Neiman Marcus Group; Nordstrom.

**Q. Bergdorf?**

A. I said -- sorry, "Neiman Group"; Bergdorf is included in Neiman Group, Neiman Marcus Group.

**Q. And with Saks, say, where does the understanding come from?**

MR. LEWIN: Objection.

BY MR. HAMID:

**Q. If you know.**

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A. All Saks is -- I mean knows that the red sole is a trademark, and Saks doesn't want to infringe that trademark by buying other red sole and selling them.

**Q. How do you know that?**

A. Because they told me that.

**Q. When?**

A. I can't recall exactly when, but probably two years ago.

**Q. Was there some specific event that was the impetus for this conversation?**

A. A business meeting, I think, if I can remember two years ago, but a business meeting.

**Q. Mm-hmm. Who was present?**

A. I can't remember this meeting, so -- but usually, when there's a business meeting like that, there is the -- again, sorry, I can't remember exactly who was here. But usually it's the DMM of Saks, head of buying department -- the management, actually, of Saks, on buying.

**Q. Did the issue arise because they had been selling red-soled shoes made by some other designer?**

A. No.

**Q. Did the issue arise because they were considering selling red-soled shoes made by some other designer?**

A. No, I don't think -- I don't --

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MR. LEWIN: With all due respect, Mr. Hamid, you asked him  
"Do you know any of those products," and he answered  
"No."

BY MR. HAMID:

**Q. The answer is no?**

A. I did answer to that question.

**Q. Okay.**

**Do you know who the creative director at YSL was at the time you joined, 1997?**

A. At this time no, I don't think -- I don't remember.

**Q. If I told you it was Albert Albaz, does that sound right to you?**

A. Probably.

**Q. Did you have any opinion of Mr. Albaz as a designer?**

A. No.

**Q. No opinion at all?**

A. No.

**Q. Do you recall that at some point while you were there, Tom Ford became the creative director?**

A. Yes.

**Q. Do you remember when that was?**

A. I think it was in -- if I have to guess, in 2000.

**Q. Did you have any opinion of Mr. Ford as a designer?**

MR. LEWIN: Then?

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**HIGHLY CONFIDENTIAL**

A. At that time?

BY MR. HAMID:

**Q. Yes.**

A. No.

**Q. Today?**

A. Yes.

**Q. What's your opinion?**

A. He was a great designer.

**Q. Do you have an opinion today about Mr. Albaz?**

A. Not a specific opinion.

**Q. Do you have any understanding of Mr. Albaz's reputation in the industry?**

MR. LEWIN: Objection.

A. Yes.

BY MR. HAMID:

**Q. What's your understanding?**

A. He's a great designer.

**Q. Do you have any understanding of Mr. Ford's reputation in the industry?**

A. Yes.

**Q. And what is that?**

A. He's a great designer too.

**Q. How about Stefano Pilati? Do you have an understanding of his reputation in the industry?**

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**HIGHLY CONFIDENTIAL**

MR. LEWIN: Objection.

A. No.

BY MR. HAMID:

**Q. Not at all?**

A. No.

**Q. While you were there, 1997 to 2000, do you know who designed women's footwear?**

A. No.

**Q. You don't know who was in charge of design at that time?**

MR. LEWIN: Asked and answered.

A. No.

BY MR. HAMID:

**Q. Do you know anyone who was involved in the design of women's footwear in 1997 to 2000 at YSL?**

A. No.

**Q. While you were there, did you consider YSL to be a prestigious fashion house?**

MR. LEWIN: Objection.

A. Yes.

BY MR. HAMID:

**Q. In your opinion, is YSL still a prestigious fashion house?**

A. Yes.

**Q. While you were there, was it your opinion that YSL had**

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**HIGHLY CONFIDENTIAL**

**a good reputation for originality in design?**

MR. LEWIN: Objection.

A. I didn't have an opinion at that time.

BY MR. HAMID:

**Q. Do you have one now?**

A. I answered before.

**Q. About the reputation for originality and design, do you have an opinion about that?**

A. No.

**Q. Are you familiar with the concept of goodwill as it applies to a brand?**

A. Can you explain the "goodwill" for me?

**Q. No, I'm asking if you have any understanding of -- of what goodwill is.**

MR. LEWIN: Objection. It's a legal term.

MR. HAMID: It's also an accounting term.

**Q. You were in charge of finance and administration? Yes?**

A. Yes.

**Q. In that connection, do you have an understanding of what "goodwill" means?**

A. Yes, if you are talking about accounting.

**Q. While you were there at YSL, was it your opinion that the YSL brand had goodwill?**

MR. LEWIN: Objection.

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# Exhibit C



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

CHRISTIAN LOUBOUTIN S.A.; CHRISTIAN LOUBOUTIN,  
L.L.C.; and CHRISTIAN LOUBOUTIN

Plaintiffs,

-against-

YVES SAINT LAURENT AMERICA, INC.; YVES SAINT  
LAURENT AMERICA HOLDING, INC.; YVES SAINT LAURENT  
S.A.S.; YVES SAINT LAURENT (an unincorporated  
association); JOHN AND JANE DOES A-Z  
(UNIDENTIFIED); and XYZ COMPANIES 1-10  
(UNIDENTIFIED),

Defendants.

- - - - -x

DEPOSITION OF FRANCESCO RUSSO

New York, New York

Friday, June 17, 2011

REPORTED BY:

DANIELLE GRANT

JOB NO. 5664

Page 110

1 Mr. Russo  
 2 Q Is it -- would it be fair to say  
 3 that it's the high-end of fashion?  
 4 A It's -- it's a -- it's Haute  
 5 Couture. It's placed to order. I don't know.  
 6 It's couture. It's placed to order. It's the  
 7 very high-end of fashion, yes.  
 8 Q Did you ever hear that  
 9 Mr. Louboutin had done a shoe for Mr. Saint  
 10 Laurent to use on a runway show?  
 11 A No.  
 12 Q Okay. And you've never seen this  
 13 particular shoe before today; is that correct?  
 14 No?  
 15 A No.  
 16 Q Just put it in the pile. Thank  
 17 you.  
 18 I want to show you a shoe that's  
 19 been marked Defendant's Exhibit 2, and ask you  
 20 to take a look at it for a minute, if you  
 21 would. And particularly the red outsole.  
 22 And I'd like you to look, if you  
 23 would, at Defendant's Exhibit 6. And can you  
 24 tell me if they're the same red?  
 25 A No.

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1 Mr. Russo  
 2 Q What's the difference between the  
 3 two?  
 4 A This is more --  
 5 Q Which, the YSL shoe?  
 6 A The YSL shoe is more pinkish red.  
 7 Here there's more orange in it.  
 8 Q Would you call them close?  
 9 A I would call them close, yes. I  
 10 mean, I'm telling this with the eye of the  
 11 designer.  
 12 Q Right. I understand. I understand  
 13 that.  
 14 Would you describe them both as  
 15 glossy, shinny?  
 16 A Yes, yes.  
 17 Q Thank you.  
 18 And -- and Defendants' Exhibit 2  
 19 is a red sole with a contrasting upper, right?  
 20 A It's a distinctive red sole.  
 21 Q It's a distinctive red sole.  
 22 A It's on purpose it's used to be  
 23 distinctive, to pop out from the shoes and to  
 24 make it visible to the sides.  
 25 Q Are you aware that Mr. Louboutin

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1 Mr. Russo  
 2 has produced all red shoes, shoes that are  
 3 entirely red?  
 4 A Ask me the question again.  
 5 Q I'm sorry. If -- let me rephrase  
 6 it.  
 7 Are you aware that Mr. Louboutin  
 8 has produced monochrome red shoes?  
 9 A I have -- it wouldn't surprise me  
 10 since red is color, so I'm sure he's been using  
 11 red as a color for the shoes.  
 12 Q Right. And would you agree with me  
 13 that the red sole remains distinctive, even if  
 14 he -- Mr. Louboutin used the red upper?  
 15 A It would be less distinctive  
 16 because it would come out less. It would be  
 17 confused with the rest of the shoe.  
 18 Q Yes. Somewhat less. I agree.  
 19 MR. HAMID: Objection.  
 20 Q Would you agree with me that it's  
 21 distinctive?  
 22 MR. HAMID: Objection.  
 23 A It's distinctive in this side when  
 24 the other -- the rest of the shoe is black, and  
 25 the sole is red. If the shoes would be all red

Page 113

1 Mr. Russo  
 2 it would not be distinctive.  
 3 Q So it's your view that  
 4 Mr. Louboutin's red sole when used in a red --  
 5 with a red upper is not distinctive?  
 6 A It would lose the distinction that  
 7 he has been of other color. Because you would  
 8 not just see the sole which is what makes  
 9 distinctiveness of Louboutin shoes.  
 10 Q And is that true even when the shoe  
 11 is walking down the street on somebody's feet?  
 12 MR. HAMID: Objection.  
 13 A Absolutely.  
 14 Q Okay. Very good.  
 15 By the way, when you stepped out a  
 16 moment ago did you discuss your testimony with  
 17 your attorneys when you took the break?  
 18 MR. HAMID: I just caution you not  
 19 to disclose anything that we talked  
 20 about.  
 21 Q I understand. I'm not asking that.  
 22 I'm asking whether or not you talked about your  
 23 testimony with your attorneys just now?  
 24 MR. HAMID: It's a yes or a no  
 25 question.

29 (Pages 110 to 113)

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1 Mr. Russo  
 2 Q Yeah. That's what I'm asking.  
 3 A Yes.  
 4 MR. LEWIN: Good. I have no  
 5 further questions at this time.  
 6 MR. HAMID: Nothing for me.  
 7 VIDEOGRAPHER: The time is 5:16,  
 8 and this ends Tape No. 3 of the  
 9 videotaped deposition of Francesco  
 10 Russo.  
 11 (Time noted: 5:16 p.m.)

12  
 13 FRANCESCO RUSSO

14  
 15  
 16 Subscribed and sworn to before me  
 17 this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

18  
 19 NOTARY PUBLIC

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1 Mr. Russo  
 2 STATE OF NEW YORK )  
 3 )ss:  
 4 COUNTY OF RICHMOND)  
 5 I, DANIELLE GRANT, a Certified  
 6 Shorthand Reporter, and Notary  
 7 Public within and for the State of  
 8 New York, do hereby certify:  
 9 That FRANCESCO RUSSO, the witness  
 10 whose deposition is hereinbefore  
 11 set forth, was duly sworn by me and  
 12 that such deposition is a true  
 13 record of the testimony given by  
 14 such witness.  
 15 I further certify that I am not  
 16 related to any of the parties to  
 17 this action by blood or marriage  
 18 and that I am in no way interested  
 19 in the outcome of this matter.  
 20 In witness whereof, I have hereunto  
 21 set my hand this 21st day of June,  
 22 2011.

23  
 24 DANIELLE GRANT  
 25

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1 Mr. Russo  
 2 -----INDEX-----  
 3 WITNESS EXAMINATION BY PAGE  
 4 Francesco Russo Mr. Lewin 4  
 5  
 6 -----EXHIBITS-----  
 7 FOR IDENTIFICATION DESCRIPTION PAGE  
 8 Exhibit No. 19 Document, Bates stamped 37  
 9 YSL0004731 through  
 10 YSL0004764  
 11 Exhibit No. 20 Cruise '08 document 47  
 12 Exhibit No. 21 Document Bates stamped 50  
 13 YSL0004666 through 4678  
 14 Exhibit No. 22 Document Bates stamped 59  
 15 YSL0004689 through 4700  
 16 Exhibit No. 23 Chart 68  
 17 Exhibit No. 24 WPF10 76  
 18 Exhibit No. 25 YSL chart 82  
 19 Exhibit No. 26 Document, Bates stamped 97  
 20 YSL0003010 through 3017  
 21 Exhibit No. 27 Document, Bates stamped 98  
 22 YSL0003058 and 59  
 23 Exhibit No. 28 Photograph of a shoe 107  
 24 Exhibit No. 29 Photograph of a shoe 108  
 25 CERTIFICATE

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1 Mr. Russo  
 2 DEPOSITION ERRATA SHEET  
 3  
 4 DECLARATION UNDER PENALTY OF PERJURY  
 5 I declare under penalty of perjury  
 6 that I have read the entire transcript of  
 7 my Deposition taken in the captioned matter  
 8 or the same has been read to me, and  
 9 the same is true and accurate, save and  
 10 except for changes and/or corrections, if  
 11 any, as indicated by me on the DEPOSITION  
 12 ERRATA SHEET hereof, with the understanding  
 13 that I offer these changes as if still under  
 14 oath.  
 15 Signed on the \_\_\_\_\_ day of  
 16 \_\_\_\_\_, 2011.

17  
 18 FRANCESCO RUSSO  
 19  
 20  
 21  
 22  
 23  
 24  
 25

30 (Pages 114 to 117)

# Exhibit D



Online Exhibition | In the News | Special Programs | Acknowledgments | Educational Information **12** | Shoe Lexicon

# Sole Desire

The Shoes of Christian Louboutin

## Online Exhibition

March 13 - April 19, 2008

Christian Louboutin is one of the most creative and important designers working today. Until recently, his distinctive red-soled shoes were the secret treasure of an exclusive circle of Louboutin enthusiasts. But constant media attention has revealed Louboutin to the world and brought him unprecedented levels of popularity. Now it is not only fashion insiders who wear Louboutin, but also fashion-conscious celebrities and stylish women everywhere.

Sole Desire: The Shoes of Christian Louboutin traces the course of Louboutin's career and places him in context with other important designers. The exhibit also examines the major influences and themes that have informed his designs. His previous work as a landscape designer and his love for exotic destinations, such as Asia and North Africa, have found expression in the breathtaking colors and unexpected details of his shoes. The playfully seductive nod to fetishism and sex in his later work can be traced back to his fascination as a teenager with the Paris cabaret, Les Folies Bergère. And the image-conscious surge of celebrity influence on fashion has been serendipitous for Louboutin, providing him with an even wider audience.



"Mondriana" platform wedge sandal  
Patent leather  
Fall/Winter 2007, France  
Lent by Christian Louboutin

Louboutin has drawn inspiration from the intersections of fashion, art, and history throughout his career. He considers himself to be outside the influence of current fashion and chooses instead to make innovative use of elements from historical styles. Perhaps the most conspicuous example of this is his use of red soles. Although this idea did not come directly from a historical source, he is not the first to notice the power of red on the bottom of shoes. In the late seventeenth century, Louis XIV famously wore red-heeled shoes to bring attention to his shapely calves and dancing skills. He dictated that red soles could be worn only by members of his court, thereby making them a sign of aristocratic privilege.

Louboutin is also influenced by the work of designers who incorporate artwork into their pieces, such as shoemaker André Perugia and couturier Yves Saint Laurent. But Louboutin doesn't simply "look back." Instead, he synthesizes the ideas of designers, artists, and historical trends to create shoes that are referential yet fully his own.

Louboutin also draws inspiration from the world around him - even from his own backyard. In the late 1980s, he left the world of freelance shoe design to pursue another passion: gardening and landscape design. Shoe design and gardening might not seem to have much in common, but both are crafts that involve creating something directly with one's hands. Louboutin's stint as a landscape designer was brief and, by 1992, he had returned to the world of fashion. But his experience helped shape the aesthetic of many of his designs. Whether it be a delicate floral print, or a heel that echoes the bark of a tree, Louboutin's appreciation for nature's beauty is never hard to find. He admits that he needs to control his passion for flora and fauna, so that it won't distract him from his design work: "I design the winter collection in winter, in my country house in France where it is cold and the garden is miserable so I don't go out into it."

Louboutin garners inspiration from not only the world's natural landscapes, but also its cultural ones. Many of Louboutin's shoes reflect a love of the ornate and singular characteristics of faraway locales, especially Asia and North Africa. The designer owns a house in Luxor, Egypt, and he loves to travel the world and glean ideas from the cultures of countries such as Iran and India. Embroidery inspired by matador costumes, exquisite Chinese silk patterns, and gilding reminiscent of the ancient Egyptians are some of the fanciful details that have found their way into Louboutin's shoes, channeling the splendor and intrigue that have long been associated with the exotic.



While there is an undeniable whimsy to many of Louboutin's designs, he adroitly produces other styles born of harder-edged subject matter. High heels have long been associated with fetishism, the intimate association of an object or material with sexual desire. Louboutin utilizes many of the elements of fetish shoes, including extremely high heels, leather, and bondage-related details. Intimations of power, pain, and pleasure appeal not only to the fetishist subculture, but also to "mainstream" men and women. Wearers and observers of these shoes embrace the overt sexuality of their revealing cuts, their exaggeration of female posture, and their bold suggestion of strength and domination.

Recently, a different kind of obsession has become connected with these shoes: the fetishism of conspicuous consumption. Many women who buy Louboutin's shoes covet a luxury lifestyle more than an erotic extreme. High-end spending has replaced sex as the gauge of female satisfaction, while demand has become equal to desire in creating the allure of the sexy shoe.

There is a conspicuous link between women's quasi-fetishistic desire to procure Louboutin shoes and the Hollywood celebrities who help propel the phenomenon of "It" accessories. Delicate crystals, rich satin ribbons, and flurries of marabou feathers are all evidence of Louboutin's appreciation for glamour and Old Hollywood style. The appreciation is reciprocal: for years, Louboutin's bewitching red soles have walked the red carpet, adorning the heels of such Hollywood royalty as Nicole Kidman and Madonna. Today, Hollywood and celebrity wield considerable influence over consumer tastes. Not by chance, Louboutin's success has coincided with the growth of star power.



"Ariella Clou" boot  
Calf leather, metal studs  
Fall/Winter 2007, France  
Lent by Christian Louboutin

-Whitney A. Jones and Julie Ann Orsini

But it is the new generation of tabloid starlets who embody Young Hollywood that has shined an even brighter spotlight on Louboutin's whimsical footwear. The nonstop coverage of today's style icons, including Nicole Richie and Sienna Miller, has extended Louboutin's exposure beyond the circle of fashion insiders and brought it to young women seeking to emulate their favorite stars. The flash of a Louboutin red sole is a sign of status, and it creates the illusion that these young women's lifestyles - not just their sartorial tastes - mimic those of the rich and famous. Indeed, the desire to flash a red Louboutin sole has become so strong among the fashion-conscious that in January 2008, Louboutin's red sole was trademarked in order to discourage imitators.

Christian Louboutin translates form, color, and concept from historical and artistic sources into designs that integrate all his inspirations. His playfully sexy shoes inspire desire both for the women who wear them and for the lifestyle they represent. While his talent and love of his craft will continue to propel his designs to new heights, Louboutin's creativity and popularity have already left an indelible mark on the world of shoe design.

The Museum at **FIT**

# Exhibit E









